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Valuation of Ex-Offender Motivation for Participation in a Restorative Justice Praxis

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2019

Abstract

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by

Kenneth R. Lang

MS, Columbia Southern University, 2013

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Abstract

Restorative justice (RJ) is an emerging concept of justice in the American penal system that seeks equality for all stakeholders involved. While RJ is vastly under researched—especially concerning RJ and violent offenses—current studies have only focused on determining victims' motivations for participating in RJ. Determining and evaluating offender motivations for participating in RJ remains unexplored. The purpose of this study was to explore the possible motivations of criminal offenders and their willingness to participate in RJ. The social construction framework and the narrative policy framework were employed to understand the social context. A mixed-method approach was used that began with a semistructured interview of 12 ex-offenders and concluded with all the participants completing a brief questionnaire capturing their demographical information. Participants were previously convicted criminal offenders (i.e., 7 nonviolent and 5 violent) who were no longer under the authority of the judiciary system. The semistructured interviews were analyzed qualitatively and identified six motivations: (a) concern for their reputation, (b) understanding the impact of their crime, (c) explanation of actions, (d) making the victim whole, (e) apologizing to the victim, and (f) apathy towards the victim. MANOVA analysis revealed no significance difference between the groups, except with Motive 3 (explanation of actions) and whether the participant had siblings. However, observed power for this analysis varied at low intervals where only 12 participants were involved. Regardless, the results of this study could have a significant impact on positive social change in RJ because the data informs practitioners how to facilitate RJ interventions better, bringing about efficacy with offenders.

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Dedication

First and foremost, this research study is dedicated to my wife, Michele, and children—Courtney, Sean, and Rachel—for their love and support during my doctorate.

This research study is also dedicated to the men and women of law enforcement, the courts, correctional systems, and organizations who work tirelessly to find the truth and seek justice on behalf of our society.

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Chapter 1: Introduction to the Study

Introduction

In considering the restorative justice (RJ) process as a viable solution to reducing recidivism, alleviating the public's fear of crime, and promoting a stronger voice for victims, an individual must consider whether RJ is equitably administered amongst offenders. While minimal research exists surrounding what motivational factors cause victims to participate in RJ, research addressing this same subject with offenders is nonexistent. Recently, Paul (2015) explored motivational factors among victims of criminal offenses, finding that unfamiliarity with the RJ process, empathy towards the offender, and a desire to interrogate the offender were all contributors to motivational factors among victims. Crocker (2013) proffered that "Restorative justice programs should therefore emphasize relationships and their restoration to a state of equality of relationships. This equality is marked by mutual respect, concern, and dignity" (p. 60). Dignity is considered an inherent and equal worth of every individual (Bayefsky, 2013). Without understanding the motivational factors of offenders participating in RJ, it is difficult to discern whether RJ is being administrated equitably.

Demographics of the Current American Correctional System

Since the inception of criminal punishment and prisons in early American society, the ideology of liberty over patriarchy has prevailed (Kann, 2005). This guiding force has left our communities with a broken correctional system imploding upon itself. Through the evolution of the American correctional system, two significant factors have contributed to today's current dilemma: the *penal harm movement* and *mass*

incarceration (Wozniak, 2014). Consequently, recidivism, overcrowding, and overrepresentation of African Americans have all become common trademarks of the American correctional system (Alexander, 2010). As incarceration rates in the United States reach all-time highs (Brown, 2016) and 3 in 4 former prisoners recidivate within 5 years of their release from incarceration (Durose, Cooper, & Snyder, 2014), the question of whether criminal justice reform could proffer a genuine solution to this age-old criminological dilemma in successfully addressing criminal offenders and their crimes comes to the forefront.

A recent trend in incarceration rates in the Federal Bureau of Prisons (BOP; 2017a) reflects a decline over the past several years. As of May 2017, 188,797 offenders were in custody with the BOP (2017a). This is a sharp decline from 2013 when a sum of 219,298 prisoners was in custody with the BOP (2017a). Since 2013, the BOP (2017a) population has dropped by a sum of 27,128 prisoners, potentially identifying a trend within the federal correctional system to identify alternative means to incarceration. Yet, such declinations are not reflected on the stateside because tallies of prisoners in state facilities only reflect a downward movement by a few hundred (De Giorgi, 2016).

Overrepresentation of African Americans in Prison

A significant issue with the high incarceration rates with offenders is the overrepresentation of African Americans within this system. However, given the overall satisfaction rates among RJ stakeholders and the potential reduction in recidivism through the implementation of RJ processes with criminal events (Sherman & Strang, 2007) RJ can be a promising component to the criminal justice system. RJ has the

potential to be used as a tool in bring about more equitable sentencing with the imprisonment of convicted offenders and reduce the potential for this discrimination.

Alexander (2010) attributed the differential treatment to disparities when sentencing drug offenders through the War on Drugs. Alexander found that in seven states, African Americans comprised of 80% to 90% of those incarcerated for drug offenses. Fifteen other states reflected that Blacks were 25% more likely to be incarcerated than Whites for their drug crimes (Alexander, 2010). In recent years, incarceration rates between Blacks and Whites have fluctuated. According to the BOP (2017b), given the current prison population in the federal system, 58.6% are White, while 37.8% are Black. Of these prisoners, 46.3% were incarcerated for drug offenses (BOP, 2017c). Despite the recent downturn of African Americans being incarcerated, these statistics are still disproportional when considering the U.S. Census Bureau (2015) reflected that 13.3% of the American population was constituted of African Americans.

However, such disproportionate rates of African Americans being imprisoned not only affect social groups but also communities (Brown, 2010). Western and Muller (2013) described "[t]he large number of men circulating in and out of poor neighborhoods unsettles the family and community ties that help to promote social order" (p. 184). Due to mass incarceration, communities are tasked with addressing issues with unemployment, family instability, crime, and other consequences from mass incarceration (Western & Muller, 2013). DeFina and Hannon (2009) suggested that mass incarceration further disrupts other social control mechanisms such as dismantling

families, removing purchasing power from communities, and instilling more reliance on government assistance programs.

Restorative Justice

In recent years, RJ has emerged within the American criminal justice system with promising results in addressing offenses and finding amicable resolutions for the involved stakeholders. Sherman and Strang (2007) outlined much of the evidence in an overview of RJ, noting that crime victims experience better benefits from the process, offenders who experience RJ reoffend at a lower rate, RJ has not increased offending, RJ reduces recidivism with violent crimes more consistently than misdemeanant offenses, the best results of RJ come from police officers who are specially trained in facilitating the process, RJ does not diverge from the rule of law, RJ remains within the paradigm of common law practices, RJ does as well as short-term incarceration sentences, and RJ reduces the victim's desire to inflict retributive violence on the offender (p. 88). With such potential for success in the criminal justice system in the United States, RJ has not become a prevalent.

Zehr (2002) articulated that RJ may be most effective with serious offenses, whereas Umbreit and Vos (2000) found high levels of satisfaction with the use of the RJ process, both from the surviving victim's family and the offenders, in two distinct homicide cases. There is also empirical and theoretical evidence that RJ can lead to desistance through a process of self-transformation (Maruna, 2016).

As the advantages of RJ has become known through the benefactors who have experienced the process firsthand, RJ has emanated into more serious offenses. For

example, as RJ emerged into crimes of domestic violence, concerns were immediately raised about the appropriateness of RJ being interjected into such offenses. Of primary concern was the potential to revictimize the victim and potentially exposing the victim to further harms (Stubbs, 2007). If administered as a court diversion, RJ risked the potential to allow the offender to manipulate the victim and avoid addressing the harm altogether; whether addressed through traditional litigation or RJ (Stubbs, 2007). However, Miller and Iovanni (2013) demonstrated the capability of RJ utilized in a postconviction setting, whereby the criminal case is adjudicated through traditional means and the RJ intervention is facilitated after sentencing. In administering RJ in this timeline— sometimes years after the issuance of the sentence—a RJ practitioner can advert the possibility of subjecting the victim to further harms by the offender (Miller & Iovanni, 2013).

In recent years, RJ has been administered in sexual assault and homicide cases. In a recent study, Koss (2013) found that RJ processes facilitated in 22 sexual assault cases yielded satisfaction ratings of 90% from the participants and was more likely to have the offender acknowledge their wrongdoing and complete counseling. To sum up the experience of RJ administered in sexual violence cases, Koss was cautiously optimistic. Umbreit and Vos (2000) facilitated RJ in two separate cases where the victims' survivors met the offender. Both cases yielded similar results with respect to the satisfaction of the participants (Umbreit & Vos, 2000). Of further value was the ability of the family to have plaguing questions answered: most often this question is why was the crime committed (Umbreit & Vos, 2000).

With RJ implemented in crimes ranging from juvenile delinquency to murders, little research has been conducted in determining the motivational factors of participants. Using a secondary data set of an RJ program already facilitated, Paul (2015) identified several determining factors as they related to victims participating in RJ. However, motivational factors for offenders participating in RJ have not been determined or evaluated.

Problem Statement

Though more prevalent in other Western civilizations, RJ is a process burgeoning in the American criminal justice system. Historically, RJ was introduced in instances of juvenile status offenses and misdemeanor crimes in both the adult and juvenile systems (Zehr, 2002). However, preliminary research with implementing RJ in murder cases has revealed that RJ is effective and well received by the stakeholders (i.e., victims, offenders, and community members) for violent crimes (Sherman & Strang, 2007; Umbreit & Voss, 2000, Zehr, 2002). Notwithstanding, much remains unknown about RJ and its impact on criminal justice. RJ is still in its infancy and empirical information pointing towards this research topic is not readily available.

Since the 1970s, RJ has expanded into communities worldwide, often being offered as an alternative choice to existing judiciary systems (Zehr, 2002). Over the past 20 years, the European Union has invested considerably into RJ, to include mainstreaming it into their criminal justice systems (Gavrielides, 2016). However, the facilitation of RJ has been met with opposition in cases where victims are vulnerable to the offender as a result of their relationship (Curtis-Fawley & Daly, 2005). Such

controversy has pushed RJ victim/offender mediations (VOMs) into postconviction settings (Miller & Iovanna, 2013; Stubbs, 2007), eliminating the vulnerability issue and reflecting the ability of RJ to be utilized in a postconviction setting. Zehr (2002) previously indicated that RJ is favorably facilitated with offenders who acknowledge and accept responsibility for their wrongdoing.

With RJ facilitators becoming more versed in conducting RJ interventions, research has recently shifted towards understanding why stakeholders participate in RJ. Unfortunately, this narrow focus has only centered on the motivational differences amongst victims. The findings from one study centered on RJ and serious offenders suggested that in violent cases, RJ is frequently administered in a postconviction setting (Elliott & Willan, 2013). Elliott and Willan (2013) also suggested that serious offenses do not always equate to serious offenders and that a high percentage of those who participate in RJ do not receive imprisonment as a sanction. In another study using a postconviction model, Paul (2015) focused on victims through victim-offender conferences (VOC) and attempted to predict the motivation for the victim's participation in VOC. Unfamiliarity with the RJ process, empathy towards the offender, and a desire to interrogate the offender were all identified as motivations that prompted the victim to participate or not in the RJ process (Paul, 2015). The problem is, while Paul's study revealed motivational factors for victims, research that attempts to understand or predict offender motivation for participating in RJ is nonexistent.

Using semistructured interviews, in this study, I identified themes among *ex-offenders*, revealed possible motivation for participating in RJ, and determined a

relationship between the ex-offender's motivation and correlations in ex-offender demographics to determine their influences for participation in RJ. The term ex-offenders identifies a specific group of individuals who have been apprehended, charged, convicted for criminal offenses, adjudicated in the American criminal justice system, and are no longer subject to this authority as the protection of the Constitutional double-jeopardy clause has been attached to their case. In determining the ex-offender's motivational factors, practitioners will be better informed, will understand an offender's motivation for participating in RJ VOM, and will be able to identify any potential influential demographics to determine whether these factors motivate or influence an offender's participation.

Purpose

The purpose of this mixed-method study was to examine whether motivational differences exist between violent and nonviolent ex-offenders with respect to their willingness to participate in RJ processes. After identifying motivational differences in this study, I further examined whether the ex-offenders' demographics were influential in their motivations. In this study, a transformative design was employed where qualitative and quantitative data were collected in a concurrent sequence. Though the study primarily consisted of a qualitative, semistructured interview design, the purpose of collecting the data concurrently was to obtain demographic data from the participants (i.e., race, childhood and current family type, level of education, religious affiliations, types of offenses, and rate of offending) and determine whether these demographics have any impact on motivational factors.

Significance

The results of this study fill a gap in identifying whether offender motivations exist for deciding to participate in RJ. Research in this area is unique as previous studies have reflected the motivational factors of victims participating in RJ but have not explored what influences offenders to partake in these emerging interventions. RJ processes are infrequently used in the U.S. criminal justice system; however, when employed, RJ is preferably used with juvenile infractions and minor offenses (Zehr, 2002). RJ is capable of being used in cases of a violent nature with violent offenders and has yielded similar, if not more significant, positive results (Sherman & Strang, 2007; Umbreit & Vos, 2000; Zehr, 2002). Paul (2015) studied the interaction of victims in scheduled RJ processes to identify the motivational factors of the victims, but an exploration of motivational factors of offenders has not been conducted and would benefit RJ practitioners in revealing the motivational factors and using these elements to enhance interventions. In turn, revealing ex-offender motivations and influences would create opportunities for research to further examine RJ processes and its effectiveness in cases of nonviolent and violent crimes.

Background

Within the United States, RJ interventions have been used minimally in the criminal justice system since the 1990s (Zehr, 2002). While other Western cultures entrenched in RJ reap its benefits and have transformed their correctional systems, the United States wrestles with turning from its retributive mentality and embracing a more progressive process. Zehr (2002) defined the foundational principles of RJ and how it

would help to alleviate overcrowding issues in our current system while also recognizing that RJ is a process that can be implemented with nonviolent and violent offenses alike. However, opponents challenge this use because RJ is often implemented in offenses as part of court diversion: It affords the offender an opportunity to manipulate the victim, deters the victim from prosecution, and allows the offender the opportunity to further victimize the victim (Curtis-Fawley & Daly, 2005; Stubbs, 2007). Researchers have completed studies where RJ was facilitated in a postconviction setting, eliminating the threat of manipulation and further victimization, while yielding favorable results, similar to levels experienced in nonviolent cases (Miller & Iovanni, 2013; Umbreit & Vos, 2000). Elliott and Willan (2013) have demonstrated how RJ is conducted in postconviction settings or serious offenses with serious offenders and have demonstrated success because most offenders who engage in a postconviction RJ process are not imprisoned for their offense. In another recent study by Paul (2015), restorative facilitators identified and examined motivational factors of victims for participating in RJ. However, Paul only focused on victims and did not identify or evaluate potential motivational factors of offenders. The findings of Paul's study paved the way for the need of this study because hypothetical victims have been evaluated to determine and examine motivational factors for participating in RJ, but offenders have not.

For this study I selected articles related to the implementation of RJ into violent offenses and motivational factors of its stakeholders. For instance, Curtis-Fawley and Daly (2005) identified concerns with the implementation of RJ in domestic and gendered sensitive cases and identified how offenders can manipulate the victim to the advantage

of having the charges dropped and further causing victimization. These concerns were further raised by Miller and Iovanni (2013) who addressed the concerns raised by Curtis-Fawley and Daly, proposing the use of RJ in a postconviction setting where the offender is already held accountable for their actions in a traditional setting and opening genuine dialogue between the stakeholders. Noting that RJ can be implemented in tangent with the traditional criminal justice system, Paul (2015) explored motivational factors among victim stakeholders using a data set from existing RJ processes, documenting why victims would or would not attend prepared restorative interventions.

It is important to note how Sherman and Strang (2007) expounded upon the evidence of RJ, describing why RJ is successful and what benefits it generates through it convention. Yet while these benefits seem promising, Stubbs (2007) raised concerns about the use of RJ in domestic and gendered cases, arguing that employing RJ before a traditional sanction affords offenders the opportunity to manipulate and revictimize the victim of the case. However, Umbreit and Vos (2000) had already completed two case studies where RJ was used in two distinct murder cases, reflecting the possibility that RJ can be used in cases of violence in a postconviction setting, yielding positive outcomes.

Theoretical Framework

Focusing on the social issue of high rates of incarceration of American citizens, the overrepresentation of African Americans in correctional facilities, and searching for a forward way of addressing criminality, RJ and its benefits are making itself known to Western civilizations, including the United States. To date, scholarly research has revealed various implementation processes and benefits of RJ and has steered researchers

towards understanding motivational factors among its stakeholders. In identifying a

deficiency of motivational research focused on ex-offenders, I conducted this study to

determine whether differences exist between the motivational factors of violent and

nonviolent ex-offenders and whether they would have considered participating in RJ for

their specific criminal case. In this contextual frame, two theoretical frameworks

surfaced, the *social construction framework* (SCF) and the *narrative policy framework*

(NPF). I used these two specific frameworks for this study because the SCF revealed

underlying influential social issues with offenders, while the NPF approach forged firmer

policies for implementing RJ processes with nonviolent and violent offenders. I derived

this information through semistructured, qualitative interviews and analysis and further

examined the topic through an analysis of the participants' demographical makeup.

SCF is a framework which identifies a target population (Sabatier & Weible,

2014; Schneider & Sidney, 2009), develops institutions, and influences the culture in a

broad manner (Sabatier & Weible, 2014). More specifically, Schneider and Sidney

(2009) posited that SCF "refers to an underlying understanding of the social world that

places meaning-making at the center" (p. 106). In this perspective, SCF is used in

research to reveal a better understanding of a social issue and its governing policies.

Using the SCF, scholars seek to determine who constructs policy issues, how they are

developed, and how defined policies are received (Schneider & Sidney, 2009, p. 106).

Conducting this research through the SCF was extremely advantageous in developing

policy surrounding the enactment of RJ in the judicial system since RJ is used

sporadically in the United States. More specifically, an understanding of the driving

motivations of ex-offenders and their willingness to participate in RJ will enable

practitioners to develop policies that will entice current offenders to participate in RJ and

reap the benefits of RJ.

The key to using the SCF is the identification of the targeted population. There

are four identified groups pertinent to this process: the advantaged, contenders,

dependents, and deviants (Sabatier & Weible, 2014; Schneider & Sidney, 2009). While

Sabatier and Weible (2014) identified deviants as those lacking political power and

positive social construction, and include criminals in this category, Schneider and Sidney

(2009) described deviants as a powerless group with a negative image. The criminal

element is precisely the intended group targeted for this research surrounding their

motivations. Deviants, who suffer from systemic biases, are affected by policies in which

these biases dominate (Sabatier & Weible, 2014). Research conducted using the

constructs of the SCF helped to identify and reveal these biases and provide criminal

justice practitioners with the necessary information to review and implement changes to

undeveloped and current policies to thwart these biases. Equity will give deviants a better

opportunity at restoration and reintegration in society.

The second framework I identified, that was the most comparable framework for

this study, was the NPF. Though contested by Sabatier and Weible (2014) as a

framework that is wrought with errors and lacks full development at the macro level, the

authors acknowledged how this framework turns from the traditional positivist practices

and utilizes the analysis of narratives. NPF plays a significant role in policy development

(Jones & McBeth, 2010). To better appreciate the NPF's potential as a framework for this

study, its current construct should first be considered. Jones and McBeth (2010)

recognized how the NPF divides into two segments: structuralist and poststructuralism. It

is from this division that much criticism arises.

With the structuralist approach, researchers approach narratives individually, and

generalizations are formed (Jones & McBeth, 2010). However, under the

poststructuralism, interpretations of the narratives constitute the analysis, and each

instance is considered unique (Jones & McBeth, 2010, p. 332). Of importance is that of

the two segments available, the poststructural tradition is the most common approach in

this framework (Jones & McBeth, 2010). A poststructuralism avenue proves to be the

most useful avenue for a positivist approach and would only assume the researcher has

identified the appropriate theory (Jones & McBeth, 2010). Whereas, through its narrative

form, the NPF poststructuralism approach would reveal to researchers the reason *why* ex-

offenders would or would not participate in RJ. In the identification of these motivations,

RJ practitioners will be able to develop or refine the current policy that would attract

offenders to participate in the RJ process.

Jones and McBeth (2010) posited that the future of NPF enriches and integrates

with other frameworks, including the SCF. NPF has three levels of analysis--micro, mesa,

and macro (Jones & McBeth, 2010; Sabatier & Weible, 2014). These levels incorporate a

traditional positivist approach would help to build the undeveloped macro level of

analysis in NPF.

In this study, I used a mixed-method approach that was primarily qualitative in

revealing motivations but in which I infused a quantitative aspect where the ex-offenders'

demographics were captured through a questionnaire and measured in a positivist manner to determine background influences towards potential motivations. With this mixed-method approach, I integrated SCF and NPF together in a manner that researchers indicated would help further develop the macro level of NPF. While I focused on the individual at the micro level and illuminated datum at a mesa level in this study, the results may potentially lead to further, more wide-scale research concerning ex-offenders' influences at a macro level. Here, in understanding how ex-offenders' backgrounds (i.e., race, childhood and current family type, level of education, religious affiliations, types of offenses, and rate of offending) affect their motivations towards RJ, policies could be diversified to accommodate specific ex-offender groups and help to reintegrate them back into society equitably.

Research Questions

Research Question 1: What are the motivational factors that impact the willingness of nonviolent ex-offenders to participate in restorative justice?

Research Question 2: What are there motivational factors that impact the willingness of violent ex-offenders to participate in restorative justice?

Research Question 3: Are there differences in motivational factors between nonviolent and violent ex-offenders?

Research Question 4: What are the demographical differences between nonviolent and violent ex-offenders' motivations to participate in restorative justice?

Research Question 5: Does the ex-offenders' type of criminal offense impact their motivational factors to participate in restorative justice?

Research Question 6: Does the ex-offender's frequency of offending influence their motivational factors to participate in restorative justice?

Nature of the Study

The nature of this mixed-method study was to determine and examine whether motivational factors exist with ex-offenders and their willingness to participate in RJ and whether prescribed demographics are influential on any developed motivations. A mixed-method research process uses traits from qualitative and quantitative methodologies that are not necessarily equally distributed amongst the two methods when employed (Creswell, 2009). Mixed-method studies are becoming more popular and used more frequently in behavioral and social science studies (Creswell, 2009). Reasons for conducting such a mixed-method study in the social sciences can resonate at a personal level to advance a person's career, at an academic level to understand a multifaceted phenomenon, and a societal level to bring about improvement in an institution (Teddlie & Tashakkori, 2009). Moreover, with RJ relatively unexplored, a mixed-method approach becomes essential in examining the phenomenon. Creswell and Plano Clark (2011) noted that a mixed-method approach is appropriate in exploratory studies where a qualitative analysis reveals certain themes that can be followed-up with a quantitative measure to generalize the derived information.

I conducted a semistructured interview with each participant to determine whether motivations exist among ex-offenders for participating in RJ. The semistructured interview will be followed by a brief questionnaire encapsulating the participants' demographics (i.e., race, childhood and current family type, level of education, religious

affiliations, types of offenses, and rate of offending), which comprised the independent variables of the study for a MANOVA analysis. Whether the participant was a nonviolent or violent offender defined the dependent variable.

Definitions

Ex-offender: A formal definition of ex-offender is not readily available in common dictionary sources. However, an offender is regarded as a person who commits a crime (Vocabulary, 2019). The U.S. Department of Justice (n.d.) further identifies an ex-offender as someone who is released from prison (para.1).

Mass incarceration: The marginalization of the African American community through incarceration (Alexander, 2012).

Practitioner: Is "one who practices" (Merriam-Webster, 2019, para. 1).

Recidivism: The most practical definition of recidivism is on centered on arrest (Maltz, 2001). Recidivism entails the relapse into a previous behavior, particularly a criminal behavior (Merriam-Webster, 2019, para. 1).

Restorative justice (RJ): "Is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible" (Zehr, 2002, p. 37).

Restorative practices: "Describe processes that embody restorative justice principles and philosophy, which may not involve crime or even wrongdoing" (Walker, 2013, p. 9).

Satisfaction: Includes the reparation for a wrongdoing and meets the demand for a divine justice, the quality of a state of being, and convinced assurance or certainty (Merriam-Webster, 2019, para. 1).

Assumptions

Given the federalist structure of the U.S. criminal justice system as prescribed by the Constitution and its Amendments, the federal government and each state are able to define and enforce a variety of laws independently from one another. For example, while all states have crimes against murder, each state reserves the right to define the crime, enumerate the criminal elements needs to prove the crime, and establish the necessary benchmarks for conviction. Therefore, I assumed that all states maintain nomenclatures of crimes against property and crimes against persons in a generic categorical manner that meets minimal requirements for identifying the crime (i.e., *murder* is the killing of another without justification, *rape* is the sexual assault of another with penetration, *armed robbery* is the stealing of property from another with the use of force or the threat of force, etc.).

Scope and Delimitations

With RJ emerging in the U.S. criminal justice system, the scope of this study was to determine and evaluate whether there are any motivational factors among ex-offenders and their willingness to participate in RJ. I further intended to evaluate whether certain demographical information of the participants would have any bearing on potentially identified motivations. Moreover, I intended to determine if nonviolent versus violent offenses is influential towards the derived motivations.

In this study, I used 12 volunteer participants who had been convicted of crimes but were no longer under the jurisdiction of the state or the correctional system. Participants were selected by placing ads in the local newspaper and social media outlets in the state of West Virginia. Seven participants represented nonviolent offenders by having criminal records involving property crimes only. The remaining five participants represented violent offenders who had been convicted of violent crimes against the person.

I conducted a semistructured interview with each participant to identify and determine whether there are any motivational factors that would contribute to them participating in an RJ process. Following the semistructured interview, the participant completed a demographic questionnaire to capture their race, childhood and current family type, level of education, religious affiliations, types of offenses, and rate of offending. Participants who successfully completed the prescribed process were awarded a $25.00 Walmart gift card.

One delimitation to this study was the potential for the geographical locale of the study to only include participants who had only committed certain crimes, narrowing the variety of property crimes and crimes against the person to a few select offenses. By offering this narrow selection, not all crimes were represented in this study. With only 12 participants, it was not plausible to think that every potential crime could be represented in this study.

Limitations

One limitation of this study concerned the geographical area in which participants were selected from. Though West Virginia has similar crimes as other states and offenders who commit those crimes, West Virginians are often known to be polite and courteous. Therefore, a limitation of this study was that offenders may have demonstrated these traits and not been representative of offenders as a whole.

Another limitation of this study surrounded the fact that I am a proponent for RJ and its ideologies. I learned about RJ following my retirement from the police department in 2014. To adjust for this potential bias, I remained cognitive of this fact during the analysis of the data and sought out any triangulation between the qualitative and quantitative data generated from the study.

Social Change

On May 11, 2017, U.S. Attorney General Jeff Sessions announced a revised initiative concerning charging and sentencing guidelines to federal prosecutors (Department of Justice, 2017). With the anticipated increase in federal prosecutions, the already strained correctional system will inevitably experience the broadened ill-effects of mass incarceration, overcrowding, and overrepresentation of African Americans in the prison population. However, there is potential for the advancement of RJ within the correctional systems that would help to alleviate the pressure on the seams of the correctional system.

In evaluating the motivational factors of violent and nonviolent ex-offenders, there is enormous potential for social change as I examined the plausibility for affecting

RJ with efficacy in this study. It is evident from the findings of recent studies that RJ is not only useful with minor offenders but may yield more successful results with violent offenders (Sherman & Strang, 2007; Zehr, 2002). Umbreit and Vos (2000), Stubbs (2007), and Miller and Iovanni (20313) have demonstrated this possibility through their research.

In determining and evaluating the motivational factors of ex-offenders, the findings of this study may better direct RJ practitioners in broaching RJ more efficiently with offenders. If violent offenders are more likely to benefit from RJ, as suggested by Sherman and Strang (2007), then implementing RJ with this knowledge should promote efficacy, whereby offenders would experience the documented benefits of RJ and contribute to the overall reduction of the crime rate throughout our communities, cities, and nation.

Summary

In Chapter 1, I provided an introduction of the study and my intent to seek to identify and evaluate motivational factors of ex-offenders concerning participating in RJ processes. In the introduction section, I presented the demographics of the current American correctional system and the overrepresentation of incarcerated African Americans. The concepts of RJ were summarized as well as how its benefits can positively affect the negative repercussions of the current retributive system. With the problem statement, I outlined the need to study offender motivations while the purpose delineated the need to examine the differences between nonviolent and violent offenders. The significance of this study centered on identifying and revealing offender motivations

and determining whether offender demographics are influential in any determined

motivations. The chapter also included the background of RJ and how it has progressed

from use with minor offenses to crimes of violence. Two theoretical frameworks were

defined and expounded upon, the SCF and the NPF, as well as their correlation to the

study. I also provided the six specific research questions and the nature of the study to

define how the research questions were addressed. The chapter also included the

definitions of a variety of terms, including ex-offender, practitioner, and RJ. The scope

and delimitations were defined and the limitations were expressed with resolutions for

potential bias. Finally, I described the information generated from this study and how it

can impact restorative practitioners in developing better restorative interventions. In

Chapter 2, I will further delve into the background of RJ and its matriculations from use

in minor and misdemeanant offenses to its current infusion into crimes of violence.

Chapter 2: Literature Review

Introduction

RJ is a relatively new and emerging philosophy in administering justice in the criminal justice system, businesses, and schools where harms have been committed (Umbreit, Coates, & Vos, 2007; Zehr, 2002). More specifically, RJ focuses on the victim's need to have the victim made whole (Hand, Hankes, & House, 2012; Walker, 2013) and on the harms and needs, obligations, and engagements of those involved (Zehr, 2002). While most of the states in the United States have enacted RJ laws (Lyons, 2016), RJ remains a fragmented picture (Gavrielides, 2014). Initially perceived as an intervention best applicable to juvenile delinquents and minor crimes (Crawford, 2015; Gavrielides, 2014; Holsinger & Crowther, 2005; Miller & Iovanni, 2013; Sherman & Strang, 2007, Walgrave, 2005), RJ has recently transcended into facilitation with serious and violent crimes (Bender, Cobbina, & McGarrell, 2016; Koss, 2014; Miller & Iovanni, 2013; Regalia, Pelucchi, Giorgia Paleari, Manzi, & Brambilla, 2015; Umbreit & Vos, 2000, Zehr, 2002). Though concerns have arisen about the facilitation of RJ with interpersonal violence, including domestic violence and sexual assaults, and the fact there is potential to manipulate and revictimize the victim (Curtis-Fawley & Daly, 2005), evidence has suggested that RJ can be successfully implemented in cases of serious crimes in a postconviction setting and yield positive results without compromising the victim's safety (Miller & Iovanni, 2013).

With RJ focusing on identifying the harm done and potential remedies to correct the wrong (Zehr, 2002), researchers have done little by way of determining motivational

factors on behalf of the stakeholders involved in RJ (Paul, 2015). Approximately 40%–

74% of victims in nonviolent offenses (Umbreit, Coates, & Vos, 2004) and 25% of

victims in serious offenses (Borton, 2009) embrace the RJ process in their case. More

recent studies have only explored the motivational factors of victims to determine their

reasons for engaging in RJ (Paul, 2015). With respect to offenders, this question remains

unexplored. Justice is regarded as "the perception that one is treated fairly or equitably

within a given system of rights, responsibilities, and moral values" (Waldron & Kelley,

2008, p. 17). If RJ is a concept of equity for all who are involved (Zehr, 2002), then it

would stand to reason that determining and evaluating the motivational factors of

offenders would bring about equity in this emerging philosophy. However, opponents to

RJ, particularly those who are concerned with its implementation in crimes of violence,

have raised considerable concern due to its potential in causing further harm to victims

(Ptacek, 2010).

  With RJ still emerging in the United States (Umbreit et al., 2007; Zehr, 2002), in

this literature review, I intended to provide a guide of the historical development of RJ,

its implementation in the American criminal justice system, current issues plaguing the

correctional system as well as raise controversial stances concerning RJ and define where

RJ stands today in relationship to its usage with nonviolent and violent offenses. In the

literature review, I will specifically explore the varying definitions of RJ, its indigenous

foundations, and the evolution of modern RJ. Attention will then shift to the

consequences of incarceration, mass incarceration, and overcrowding and the

psychological effects of prisonization. I will then present RJ concepts including VOMs, family group conferences, and circles, the three primary facilitations of RJ.

Though RJ is relatively new in the United States, in this literature review, I will explore its measurable benefits as documented by Sherman and Strang (2007). A thorough historical timeline of RJ in the United States will contain further descriptions provided to convey the evolution of RJ usage from nonviolent to violent offenses. Throughout the literature review, I will employ a strengths, weaknesses, opportunities, and threats analysis of RJ with usage in violent crimes. The literature review will conclude with the most recent study by Paul (2015), exploring motivational factors of hypothetical victims' willingness to engage in RJ with a criminal offense and the need to further determine and examine motivational factors of offenders.

Literature Search Strategy

I located the literature used in this review in the ProQuest and SAGE Journals databases. Journals were sorted based on their relevancy towards RJ and any motivational factors for stakeholders. Keywords used (singularly and in combination with one another) to facilitate the search included: *abuse, African-American, alienate, alienation, burglary, challenge, community, convicted, domestic, effects, facilitation, facilitator, factors, homicide, incarceration, indigenous, justice, manipulation, mass, methods, mixed, motivational, multi, murder, non-violence, offender, offenses, ostracize, ostracization, overcrowding, overrepresentation, participate, police, practice, prisons, prisoner, psychology, psychological, rape, recidivism, restorative, robbery, satisfaction, social, theft,* and *violence*.

Theoretical Foundation

In Chapter 1, I identified the following two theoretical frameworks to be used in this study: the SCF and the NPF. With the seminal work of Allison in 1971, analysists have explored the use of multiple theoretical frameworks to broaden their view, though a singular approach is often employed in current studies (Zahariadis, 2014). Zahariadis further contends that "[m]ost policy work continues to be conducted using a single lens, underestimating the value of alternative explanations and overestimating the explanatory power of the lens in use" (p. 48). With RJ emergent and motivational factors for participation unknown amongst offenders, with this study I took a multilens approach through the use of two theoretical frameworks.

Social Construction Framework (SCF)

The foundation of Schneider's and Ingram's SCF design centers on how historical and contemporary policy designs have long-lasting effects with identified classes of peoples by allocating rewards or imposing sanctions (Schneider, Ingram, & Deleon, 2014). The SCF centers on certain populations concerning the study of public policy, to include four specific groups of people: the advantaged, the contenders, dependents, and deviants (Pierce et al., 2014; Schneider et al., 2014). Of the four categorical groups of people in the framework, I centered this study on deviants. Schneider explains "[d]eviants lack both political power and positive social constructions and tend to receive a disproportionate share of burdens and sanctions" (p. 112). Deviants are also unable to fight back because the public deems them undeserving and have few activist groups willing to advocate on their behalf (Schneider et al., 2014, p. 112). Deviants are not able

to fight back because they have little power, which is not distributed equitably, and this proffers an explanation why certain groups are more advanced than others (Pierce et al., 2014). Consequently, policy designs shape institutions and impact cultures, defining public opinion and social constructs of targeted groups and redistributing political power (Schneider et al., 2014, p. 108). More specifically, the SCF informs policy practices of the past and present and helps to shape our institutions (Pierce et al., 2014).

In a recent study, Houston and Richardson (2004) applied the SCF lens towards attitudinal differences concerning the issue of drinking and driving in America. The SCF framework demonstrated its ability to provide policy recommendation feedback, determining that public policies are likely to have minimal positive effect in reducing the occurrences of drinking and driving among offenders (Houston & Richardson, 2004). However, Schneider et al. (2014) utilized a more forward way of thinking with a construct defined as *feed-forward*. The feed-forward process initiates with the concept that past and current policy designs have material and interpretive effects that contribute to target populations, institutions and cultures, and policymaking dynamics (Schneider et al., 2014, p. 108). Cumulatively, these three categories help design future policy (Schneider et al., 2014, p. 108). Thus, "the feed-forward effect works by policy designs of past and present" (Pierce et al., 2014, p. 6). Shaping then promotes structuring and target message opportunities (Pierce et al., 2014, p. 6). Ultimately, this process influences the shaping and development of a target population (Pierce et al., 2014).

My rationale for using this framework in this study pivoted on whether motivational factors from ex-offenders can be determined, evaluated, and measurable

differences identified. The extant literature already suggested that RJ processes are more

frequently facilitated in nonserious criminal cases than cases involving violence

(Crawford, 2015; Gavrielides, 2014; Holsinger & Crowther, 2005; Miller & Iovanni,

2013; Sherman & Strang, 2007; Walgrave, 2005). Therefore, it could be reasoned that

because RJ is developed regarding nonserious offenses based on institutional needs,

policy and procedures are developed and refined based on the institutional needs and the

influential politics of the entity (Schneider et al., 2014). With RJ recently facilitated in

interpersonal violent crimes (Curtis-Fawley & Daly, 2005; Miller & Iovanni, 2013;

Stubbs 2007), design policies for RJ processes in use with violent offenses are perceived

as malleable. In determining whether motivational factors influence ex-offenders

participating in RJ, differences between the motivations of nonviolent and violent ex-

offenders need to be evaluated for measurable differences and recommended feed-

forward policies generated for the benefit of RJ practitioners and the stakeholders

involved in RJ interventions used in cases involving violence. To better facilitate the

implementation of this framework, I used the NPF as a second lens in this study.

Narrative Policy Framework (NPF)

A more recent evolution in the framework policy process includes McBeth, Jones,

and Shanahan's NPF. Developed in 2010 and presented at its first symposium in 2013,

the focus of NPF centers on empirically evaluating truth presented within a narrative

(McBeth et al., 2014). The NPF is a newly theorized framework that helps researchers to

shape peoples' realities (McBeth et al., 2014). McBeth et al. (2014) posited the

significance of the narrative, particularly among political operatives, where the story is

equally important to policy and political permanence as the actions embarked upon (p. 225). Within the context of political permanence, "the NPF begins with the assertion that the power of policy narratives is something worth understanding" (McBeth et al., 2014, p. 225). The two-fold purpose for this begins with a rising entrepreneurial interest with competing policy debates which convert to battling narratives; given today's technological capabilities through the various social media outlets, narratives are far-reaching and easily disseminated (McBeth et al., 2014). Akin to the NPF, rhetoric has been extensively studies in the arena of communication and persuasion and is found in several disciplines, to include healthcare, marketing, and social sciences (McBeth, Jones, & Shanahan, 2014).

NPF originated stemming from criticisms that arose from the first edition of Sabatier and Weible's (2014) edited works *Theories of the Policy Practice*. The criticism converged on the exclusion of postpositivism (McBeth et al., 2014). *Postpositivism* acknowledges the thought processes that occur after the traditional form of research—positivistic—is exercised, and challenges absolute truth and knowledge (Creswell, 2009).

In 2000, there was a clear division between research advocates for traditional scientific research methods (i.e., quantitative) as opposed to those considered nonscientific (i.e., qualitative; McBeth et al., 2014). Consequently, Sabatier's response led to the development of the NPF because it followed a postpositivism approach, but this inspired further rejection from the positivist community (McBeth et al., 2014). Utilizing the structure from the Advocacy Coalition Framework, Sabatier established guidelines that further carved out the emerging NPF (McBeth et al., 2014). By 2005, McBeth et al.

(2014) established required elements for NPF that reliably quantified and instilled a measure of policy beliefs.

Currently, the NPF form takes on three levels of analysis: (a) *micro – (homo narrans)*, examining the individual participant and how they inform policy narratives; (b) *meso –* examining policy narratives when deployed to groups of people; (c) and *macro –* analyzing the embedding of policy narratives in institutional or cultural levels as a whole (McBeth et al., 2014). With the macro level of analysis undeveloped and no extant studies using this level of analysis with the NPF, the micro and meso levels have only been implemented in a handful of studies (McBeth et al., 2014).

Andres, Baird, Bingenheimer, and Markus (2015) used the NPF with an aim of focusing on explanations to inform policy development as they pertained to the topic of maternity leave and health care outcomes. Specifically, correlations were sought between maternity leave utilization and health care benefits for the mother and child (Andres et al., 2015, p. 1178). The results of their study confirmed a positive but limited correlation between the two variables (Andres et al., 2015, p. 1178). This analysis was achieved with the researchers narrowing 997 articles to 37 where the mothers' narratives (i.e., stories) were analyzed for correlations to the health care benefits (Andres et al., 2015). The articles were then categorized into subgroups to include topics of maternity leave coverage and utilization, maternity leave and breastfeeding, maternity leave and child health, and maternity leave and maternal health (Andres et al., 2015). Their consequential examination revealed how these varying narratives influenced maternity policies (Andres et al., 2015). The findings of their study contributed to the policy by confirming "a

positive, though limited relationship between maternity leave coverage and utilization, and a correlation between longer maternity leaves and improved breastfeeding intentions, rates of initiation, duration and predominance as well as improved maternal mental health and early childhood outcomes" (Andres et al., 2015, p. 1178).

With RJ emergent and NPF just originating, the two have yet to converge in an RJ study where NPF is utilized as the framework. Within the context of this study, the NPF (micro) level of analysis would be an effective means to examine the ex-offenders' narratives in determining and evaluating possible motivational factors in participating in RJ processes and contributing to the policy of its implementation. At the NPF meso level, ex-offenders segregated into two specific categories would envelop the nonviolent and violent offenders. Collectively, an analysis of the narrative review of the two segments could identify commonalities and differences within the specified group. In addressing the NPF micro level, each participants' responses would be analyzed independently from one another, also determining similarities and variations from one another. The study established motivations with similarities and differences and provides recommendations for procedural policy for RJ practitioners will help develop RJ processes emerging in an application with serious offenses.

Restorative Justice Defined

Through the development of modern RJ since the 1970s in uniting offenders with victims of their crimes, RJ has focused on the victim's need to have wrongdoing corrected, making them whole (Hand et al., 2012; Walker, 2013). While a structured definition of RJ remains elusive (Van Camp & Wemmer, 2013), there is no one definition

in which its practitioners, stakeholders, or endorsers can agree with (Van Camp &

Wemmer, 2013; Walker, 2013). More complicatedly speaking, RJ and restorative

practices are considered to be two distinctly different concepts. Current definitions

indicate that RJ centers on the victim through different implementations to include VOM,

family circles, sentencing circles and other similar responsive approaches to wrongs

(Zehr, 2002). On the other hand, restorative practices take on a more proactive approach

to "describe processes that embody restorative justice principles and philosophy, which

may not involve crime or even wrongdoing" (Walker, 2013, p. 9). Theoretically

speaking, restorative practices are an overarching umbrella encompassing more than a

reactive response to a wrong.

The nuanced differences in defining RJ have proven to be a weakness within the

restorative community. Regarded as the grandfather of RJ initiative in the United States,

Howard Zehr, indicates that crime is a violation of peoples' relationships (Zehr, 2005).

Zehr defines RJ, establishing:

> Restorative justice is a process to involve, to the extent possible, those who have a
>
> stake in a specific offense and to collectively identify and address harms, needs,
>
> and obligations, in order to heal and put things as right as possible (Zehr, 2002, p.
>
> 37).

Several RJ scholars cite a definition of RJ as proposed by Tony Marshall:

> Restorative justice is a process whereby all the parties with a stake in a particular
>
> offence come together to resolve collectively how to deal with the aftermath of

the offence and its implications for the future (Braithwaite, 2001, p. 11; Van Ness
& Strong, 2015, p. 23).

Likewise, the United Nations offers a different definition, noting that:

Restorative justice is a way of responding to criminal behavior by balancing the
needs of the community, the victim and the offenders. It is an evolving concept
that has given rise to different interpretation in different countries, one around
which there is not always a perfect consensus (Walker, 2013, p. 8).

It is worthy of noting several weaknesses among these three definitions, though much of
their foundation is synonymous. For example, Zehr and Marshall both identify persons
with a stake in an offense but do not articulate the level of involvement the person needs
to have in the offense to be involved in the RJ process. Zehr and Marshall's definitions
elude to inclusiveness with members of the community affected by the offense but do not
prescribe to what extent this inclusiveness should be exercised. Without question, the
victim and the offender would be persons with a stake in the offense. However, including
members of the community could be problematic. Walters (2014) indicates that having
too many or too few community members can prove to be detrimental to the RJ process
as "power imbalances, social inequities, and cultural differences may yet create
vulnerabilities" (p. 57). This concern then segues into another weakness with the RJ
definitions; the lack of community cultural recognition.

The United Nation's definition also recognizes members of the community when
it stipulates the need to balance the needs of the victim, offender, and the community.
However, the victim, offender, and community cultural differences would be an

important consideration when employing an RJ process. Not all communities address

crime in the same manner, and cultural considerations need to be explored and

incorporated into the process to ensure the victim, offender, and community are equitably

addressed when mitigating the offense (Ptacek, 2010). Ptacek (2010) further posits that

not understanding and addressing cultural differences within communities can prove to

be detrimental, particularly in crimes of violence, as stakeholders may have different

expectations and offenders may find beneficial avenues of vulnerability that enable them

to escape accountability. Recognizing the cultural differences among community

members, including the victim and offender, could prove to be an opportunity for RJ

scholars when defining RJ and its processes.

A potential threat to the RJ process is the lack of defining the roles of the

stakeholders and the expectations intended to be reached. Marshall's definition of RJ fails

to address who is being restored (Braithwaite, 2001). In recognizing the need to bring

accountability to RJ processes, Roche (2003) posits that victims, offenders, and

community members could inadvertently bring traditional judiciary retributive

expectations into an RJ process. By conveying to the various stakeholders of an offense

the differences in role definitions and expectations between the traditional judiciary and

RJ processes, stakeholders would be better prepared for the RJ process.

Despite these definitional differences, Zehr (2002) is widely acknowledged for

identifying what RJ is and is not. Zehr noted that RJ is not forgiveness, reconciliation,

mediation, or designed to reduce recidivism. It also is not a program or blueprint, nor

primarily intended for minor offenses or first-time offenders, a North-American

development, a panacea or replacement of the current legal system, an alternative to prison, or the opposite of retribution (Zehr, 2002, pp. 8-13).

It is further posited by Zehr (2002) that RJ is foundational on three distinct pillars: harms and needs, obligations, and engagement. Walker (2013) denotes these concepts further through three underlying core values exhibited in the RJ process: respect, responsibility, and relationship. Culminated together, these pillars and concepts become a firm foundation for RJ.

Therefore, RJ cannot be considered a singular philosophy against crime, but rather a perspicacious approach to redressing wrongdoing in a community. For this study, because restorative justice is the preferred approach to criminal events, Zehr's (2002) definition of RJ is utilized for this study. Furthermore, with Zehr establishing much of the foundational principles of RJ in his work *The Little Book of Restorative Justice*, this text is regarded as a cornerstone in RJ research and is referenced for its contributions when appropriate.

An Indigenous Foundation

In reviewing the criminal justice models throughout history, RJ is the most dominant model of justice that has existed throughout the centuries through indigenous societies (Braithwaite, 2001). A move away from the restorative notion came during the Dark Ages as the Norman Conquest prevailed and Europe latched onto a retributive philosophy as criminal offenses were viewed as a crime against the King and not the actual victim (Braithwaite, 2001; Walker, 2013).

While many see RJ as a new and emergent phenomenon in the criminal justice system (Shapland, 2014), the communal process can be considered indigenous in nature, affiliating with many native societies and cultures (Hand et al., 2012). It is also true that in the North American continent RJ started through the indigenous foundation of Native Americans. Long before the colonialization of the United States by the Europeans, the Navajo used RJ concepts with wrongdoing to have the victim and offender address an offense, find a resolution, and keep the tribal community whole (Ptacek, 2010; Ross & Gould, 2016). It is of importance to note that the process of maintaining this wholeness centered on the victim and the offender (Ross & Gould, 2016). However, the innate way RJ governed our societal systems was overpowered by colonialism as European justice based systems became more powerful and authority based (Ross & Gould, 2016). The domination of the European method removed more traditional and culturally based judicial systems dependent upon discourse with the parties involved to resolve the conflict.

A retributive ideology is the center point of the European justice system (Braithwaite, 2001; Hand et al., 2012). The term retribution relates to a negative connotation centered on punishment (Marshall, 2001). However, the term *retribution* derives from the Latin word *retribuere*, meaning repayment (Marshall, 2001). Many regard *retribution* as punishment received for evil done, or as the Latin phrase *lex talionis* defines, an 'eye for an eye,' a means of inflicting just desserts (Eschholz, Reed, Beck, & Leonard, 2003). There are two notions of the retributivist theory: the idea of guilt and the concept of dessert, or a deserved punishment (Marshall, 2001). The retributivist theory

sustains the ideology that punishment is justified if it is just, deserved, and the offense

originated out of free will (Marshall, 2001, p. 111). Daniels (2013) regards the retributive

concept as a negative approach to addressing crime.

In the 1970s, RJ surfaced as a methodological approach to wrongdoing in the

United States (Hand et al., 2012; Walker, 2013, Zehr, 2002). We use the term *modern*

restorative justice due in part to identify current RJ from the ancient and indigenous

philosophies (Walker, 2013). Stemming from its prominent facilitation in other

westernized countries, to include Australia, Britain, Germany, New Zealand (Zehr, 2002),

RJ grabbed the attention of criminal justice practitioners and had begun to flourish in

their settings. Literature suggests that RJ does not have one source of origin. Both New

Zealand and a part of Australia claim to have coined the term 'restorative justice' (Roche,

2006). As the modern concept of RJ evolved in other western countries, its usage would

grow extensively in the United States during the 1990s (Umbreit, 1998).

As RJ developed, it was most often implemented with crimes that were not of a

serious nature, such as juvenile delinquency and misdemeanor offenses (Zehr, 2002). The

first method of RJ utilized in juvenile delinquency cases involved the victim-offender

mediation (VOM) process by which the stakeholders of the crime would dialogue about

the offense and determine what actions were necessary for the offender to right their

wrong (Tsui, 2014). Through this process, the victim communicates face-to-face with the

offender, conveys the effects of the offense, asks questions, and articulates a plan to

restore their loss (Umbreit, 1998).

A second method evolved out of New Zealand, known as group conferencing, where other stakeholders including the victim and offender, were assembled to dialogue about the offense and the needed corrective action (Tsui, 2014). Daniels (2013) describes how this New Zealand founded process involves the victim, offender, and other members of the community to dialogue about the offense and to find a way forward. According to Halsey, Goldsmith, and Bamford (2015) Braithwaite's classical work, *Crime, Shame, and Reintegration,* initially refers to a process identified as the family model, evolved into more traditional group conferencing. Concerning the family model, Braithwaite (1989) posits that the model (group conferencing) demonstrates that shaming and punishment are possible while maintaining respect with one another (p. 63).

Drawn from more indigenous forms of social justice, such as the Navajo Indians (Ross & Gould, 2016), circles have become the third prominent way to facilitate RJ; a method used to create safe spaces for Aboriginal cultures to dialogue and address wrongdoing within their communities (Tsui, 2014). In modern RJ, circles are used to find common ground with the victim, offender, and community members (e.g., police, attorneys, and judges) as it pertains to the sentencing for the offender (Daniels, 2013; Tsui, 2014). However, in more traditional means, Navajo Indians still use their indigenous practices to address crimes, both nonviolent and violent (Ptacek, 2010). Concerning restorative circles, Armour and Sliva (2016) posit that caring, respect and visioning from the victim and other members of the group towards the offender challenges the offender's self-schema and inappropriate behavior (p. 21).

As the retributive system now dominates most Western criminal justice systems, including the United States, little if any empathy is directed towards the offenders of criminal cases as victims and society often seek to punish the offender. Brown (2012) notes that empathy often infers the choosing of one side, culminating to a narrow perspective of the incident, which is inconsistent with the intent of the equity of law (p. 385). This bias, in turn, can create a sense of denigration for the offender, leading them to aggression and rage (Brown, 2012). More importantly, Sen (2009) argues that the idea of justice is influential on the cultural difference of those involved. Recognizing these differences and employing them into restorative justice processes becomes vital to producing better policies and strategies during RJ utilization.

Currently, one of the weak points with the RJ process, that the retributive system touts as a strength surrounds the idea of accountability. Roche (2003) recognizes that the lack of accountability within the RJ processes. Ptacek (2010) notes how RJ practitioners proffer the idea that accountability is achieved through more community involvement in the RJ process. Roche identifies how the informality of the RJ process enables offenders to express the best and worst in people. Roche posits "[j]ust as people can empathize, reconcile, repair, reintegrate and forgive, so too can they scold and stigmatize, hector, and humiliate, dominate and demoralize" (p. 2). Accountability is an important aspect in this process because it is an important check on power (Roche, 2003). RJ lacks the ability to demonstrate holding offenders accountable when they are not complicit with the RJ process (Ptacek, 2010). As RJ struggles to grapple with cultural awareness and accountability, we must next consider the damaging effects that incarceration has on offenders and society.

Consequences of Incarceration

Without question, the United States is a retributive country who likes to imprison its people. With high incarceration rates and unprecedented overcrowding, prisons are in a state of crisis (Haney, 2001). After 2015, 1.53 million people were incarcerated in state or federal prisons throughout the nation, which was an estimated 2.3% decline since 2014 (Bureau of Justice Statistics, 2015). With the overall male population waning 3% between 2014 and 2015, the overrepresentation of Blacks remains highest at a rate of 5,948 per 100,000 inmates where Hispanics were 2,365 per 100,000 and White 1,101 per 100,000 inmates (Bureau of Justice Statistics, 2015). With Blacks only comprising of 13.3% of the population and Hispanics making up 17.6% of the population (U.S. Census Bureau, 2015), and with different races offending at equitable rates (Alexander 2010), these numbers reflect the disproportionate overrepresentation of minorities in the U.S. correctional system. Such a dilemma has contributed to the disenfranchisement of individuals, cultures, and offenders from their communities.

As previously noted, cultural awareness is a tacit consideration during the facilitation of RJ processes. The Navajo Indians demonstrate their cultural identity when employing circles to correct a wrong by incorporating their traditions and religious beliefs into the process (Hand et al., 2012; Ptacek, 2010). Because not all citizens subscribe to the same traditions and beliefs, and because the traditional criminal procedure would forbid such influences into the criminal justice process, the current traditional criminal justice system is not capable of being culturally sensitive to the stakeholders of a given offense. However, with the RJ process being a malleable process

where practitioners are culturally sensitive (Ptacek, 2010), the RJ process is one in which

presents an opportunity to address wrongs through a cultural perspective. Consequently,

this poses an opportunity for RJ to bring about the equitable representation of various

races, ethnicities, and cultures within the current correctional systems as employing RJ

processes in nonviolent and violent cases could attribute to reductions in overcrowding

and overrepresentation of certain classes. With the potential that RJ could right the ship

of inequalities in the justice system, we explore the current state of affairs in the

American penal system.

      Mass Incarceration. Attributing to the overrepresentation of blacks in the

American correctional system is the cataclysmic *War on Drugs*, Alexander (2010).

Imprisonment is widely considered based on the philosophy of incapacitation

(Gavrielides, 2014). In 2011, research revealed that some 7.3 million Americans were

either incarcerated, on probation, or parole, which was an increase of 290% since the

1980s (Wexler, Lurigio, & Rodriguez, 2011). Wexler et al. (2011) further revealed that

drug dealers and offenders serving jail time increased by 1,200% since the 1980s. Brown

(2016) posits that recent studies indicate that partisanship, the black population, and

violent crime rate are contributive towards the issue of mass incarceration. Of great

concern are the recently established sentencing structures that are designed to keep repeat

offenders locked away for indefinite periods of time. Consequently, lengthy sentences are

leading to an aging prisoner population who are suffering from health concerns while

there is a failure to address these longevity issues (Brown, 2012). More importantly,

Wozniak (2014) reveals that pluralities of citizens throughout the world would prefer

prisoners treated with rehabilitative efforts over retributive philosophies. Without question, the criminal justice system has been disingenuous in its efforts to administer justice equitably, potentially leading segments of our communities to become disenfranchised with the legal system and its representatives.

RJ presents a valuable opportunity to the issue of mass incarceration. RJ has demonstrated its ability to be successfully used in both nonviolent and violent offenses (Sherman & Strang, 2007, Umbreit & Vos, 2000). If utilized in specific cases with intentionality RJ could help to alleviate the mass incarceration of African American by employing the processes into communities with cultural awareness. Specific modalities could be defined and established in African American communities where crimes are addressed, and reconciliation attained, and the offender reintegrated into the community.

Overcrowding. As mass incarceration has increased exponentially, overcrowding issues press correctional administrations to meet sentences issued by the courts while prison administrators seek innovative ways to relieve the pressures of overcrowding. In evaluating the penal system over the past 25 years, penologists have categorized the American system as one in "crisis" and the issue of overcrowding "unprecedented" (Haney, 2001, p. 3). Other scholars have noted that through effective criminal justice reform issues plaguing the penal system, such as overcrowding, could be resolved (Beckett, Reosti, & Knaphus, 2016). With the rising costs of the judicial system consuming budgets, the Obama administration released thousands of drug offenders to alleviate the strains of overcrowding (Lyons, 2016). Other efforts to reduce the overcrowding have resorted to building new prisons. However, some jurisdictions, such

as Florida, have experienced contradicting efforts where court orders were interpreted to build more prisons (Beckett et al., 2016). Haney (2017) contends that the mass incarceration movement not only targeted blacks but also targeted the mentally ill, allowing the penal system to become the central warehousing facility for these individuals.

Coupled with the ideology that RJ processes would embrace a cultural awareness and reduce mass incarcerations if facilitated more frequently with misdemeanant crimes, offenders could be held accountable outside of the typical retributive process, freeing up cell space within correctional institutions and enabling the traditional criminal justice system to incarcerate more violent offenders. With RJ demonstrating high satisfaction rates and achieving lower recidivism rates (Sherman & Strang, 2007), offenders who experience the RJ process would most likely reap the benefits and avoid incarceration. However, there is a potential threat. Not all offenders have the best of intentions and could use the RJ process to manipulate victims and avoid accountability for their actions (Curtis-Fawley & Daly, 2005; Ptacek, 2010; Roche 2003; Walters, 2014). Given that many RJ processes do not have a viable accountability system integrated into the process (Roche, 2003), policies and procedures would need to be implemented to further ensure accountability beyond the existing community accountability practices.

Psychological effects of prisonization. Prisonization is the "incorporation of the norms of prison life into one's habits of thinking, feeling, and acting" (Haney, 2001, p. 5). In considering if prisonization produces adverse effects with incarcerated offenders, researchers suggest that while there are no transmuting consequences to offenders who

are merely warehoused in prisons, there are some circumstances in which an offender's psyche can be altered. There is an unprecedented number of mentally ill housed in our penal system (Haney, 2017). However, not all offenders are harmed psychologically through incarceration (Haney, 2001). Though prisons can produce long-lasting changes in an offender, these changes are typically affiliated with institutional transformation, where the offender gradually becomes accustomed to their restrictions in prison (Haney, 2001). Few prisoners are cognitively aware of these transformative behaviors (Haney, 2001).

Researchers show that where prisonization has detrimental psychological effects on its prisoners is when the offender is already diagnosed with a mental illness (Felson, Silver, & Remster, 2012; Schnittker, 2014). In a study evaluating 16,000 inmates, Felson et al. (2012) found that the existence of psychosis and major depression are useful predictors in determining if a prisoner would reoffend while incarcerated, as these artifacts have substantial effects on aggression. While some offenders with anxiety disorders were found to exhibit traits of aggression, Felson et al. determined that anxiety disorders were not as reliable predictors. However, paranoid thinking portrayed itself as the best predictor for evaluating prisoner trait changes in aggression. Further research by Haney (2017) has determined that the greatest psychological change to offenders occurs with mentally ill prisoners who are isolated (solitary confinement).

Schnittker (2014) reaffirms these findings as his work confirms that prisoners with preexisting mental illness tend to be more disabling for psychiatric offenders after completing their period of incarceration. In addressing whether the adjustments of prisonization continue after an inmate's release, Schnittker notes that "If inmates

generally change in response to the prison environment, then we might also expect them to adapt once again when they are released" (p. 124).

While this study is not centered on researching the behavioral influences and effects of prisonization, the literature review raises two points. First, the literature suggests that prisoners are influenced through the prisonization process and adapt to their restriction but cannot adapt to societal influences when they are not incarcerated. Second, there is question whether there is evidence from RJ to indicate that the RJ process may bring about such adaptive influences of change for offenders. Determining and evaluating motivational factors would begin to shed light on this subject matter.

Social/Economic Effects of Incarceration

Incarceration not only impacts the imprisoned individual, but it also affects family members, associates, and the community in which the offender is rooted. For example, if an offender is incarcerated for an offense and is a source of income for their family, the income is eliminated when the offender is held on bail or imprisoned through sentencing for the offense. In some instances, the offender may be the only source of income for the family. Consequently, the estranged family may be required to rely on welfare resources, straining a community's financial resources where a broad representation of the population is incarcerated (Alexander, 2010). The consequences of a criminal offense can be long-reaching.

Western and Muller's (2013) study portrays these societal issues through hardened empirical findings as the examined the macrosocial consequences of incarceration. Overall, Wester and Muller discover "The aggregate influence of mass

incarceration suggests a transformation of the social logic of American poverty, in which the institutions of social control substantially contribute to social and economic disadvantage" (p. 167). As a result, the ill-effects of incarceration are more far-reaching than one could imagine.

The effects of incarceration outweigh those of deterrence (Western & Muller, 2013). Upon release, offenders are not likely to weigh the severity of punishment over the potential of apprehension (Western & Muller, 2013). Applicants with criminal records seeking employment do poorly due to the employer's aversion to candidates having a criminal record and how an incarcerated status undermines skills and social contacts (Western & Muller, 2013).

This lack of legitimacy further confounds the family as it negatively fosters single parental status by undermining the quality of men in a given community (Western & Muller, 2013). Furthermore, children of incarcerated offenders are more likely to experience a diminished well-being, leading to aggressive behaviors (Western & Muller, 2013, p. 172). Consequently, this enables poverty to thrive within communities where a significant number of its populace is incarcerated.

For the offender themselves, a sense of alienation formulates as they are deprived of certain civil rights upon reentry into the community. Many ex-offenders reintegrating into the community want to work and become reconnected to society (Hass & Saxon, 2012). Losing the capacity to exercise basic civil liberties through civil death, such as voting, jury duty, and having to identify criminal convictions on job applications propels the ex-offender towards disenfranchisement with society. The loss of civil liberties

through one's criminal convictions enables barriers between the ex-offender and their community (Miller & Spillane, 2012). These behavioral responses penetrate deeper than the ex-offenders' community as male offenders wrestle with their fatherhood identity (Chui, 2016). Chui (2016) identifies that people have internal identity standards, behave in ways meaningful to their identity, and seek appraisals about their behavior. While civil death hurts ex-offenders and their ability to successfully reintegrate into the community (Miller & Spillane, 2012), offenders involved in RJ, such interventive processes meet appraisal needs.

Despite these issues, cultural awareness employed through RJ processes has the opportunity to address the cultural concerns articulated in this segment. RJ includes the 'community' in its processes, and these community members can include family members of the offender (Ptacek, 2010). Alienation can be addressed through the inclusiveness of RJ as support systems are emplaced for each stakeholder.

Restorative Concepts

The literature thus far has demonstrated how the traditional criminal justice system is disparate in dispensing justice in a retributive manner against the members of its society. RJ, on the other hand, is more holistic (Walker, 2013). Sherman and Strang (2007) explained "[r]estorative justice is a way of thinking about what is best for the many connections among crime victims, their offenders and the criminal justice process," (p. 12). RJ is based on the premise the idea that crime is an infraction that impacts the relational values with members of the community (Zehr, 2002). Identified by Zehr (2002), three pillars build this concept: harms and needs, obligations, and engagement.

Where harms and needs focus on the wrong and the victim's need for resolution, obligation allows the offender to address the consequences of their actions and engagement allows the stakeholders the corporately resolve the harm as a community (Zehr, 2002). To view criminal offenses through the RJ lens is a changing paradigm (Daniels, 2013).

In its simplest form, RJ allows the victim and offender to come together to redress the harm inflicted by the offender (Stubbs, 2007; Umbreit & Vos, 2000). Primarily only used with nonviolent offenses (Umbreit & Vos, 2000), RJ focuses on addressing the stakeholders of an incident and repairing the harm (Stubbs, 2007; Zehr, 2002). Stakeholders can tell their story and participate in the process of determining how the harm is repaired (Stubbs, 2007). While Miller and Iovanni (2013) identify how the RJ process empowers the stakeholder, Strang (2002) counters some victims become more fearful as a result of the RJ process as they can experience an imbalance during the execution of the processes. Furthermore, Strange argues of the potential for victims to be used in the RJ process, causing them further victimization. However, in most successful RJ processes, stakeholders articulate a process of fairness where they sense genuine rebalancing of the communal relationship (Paul, 2015). Not only does the RJ process give all of the stakeholder's equity in their voice (Miller & Iovanni 2013; Paul 2015; Sherman & Strang, 2007), it can often lead to a genuine apology from the offender (Miller & Iovanni, 2013; Sherman & Strang, 2007). Three methods accomplish the foundational premise of RJ: VOM, Family Group Conference (FGC), and peacemaking or sentencing circles (Tsui, 2014).

Victim-offender mediation (VOM). This intervention method is the most foundational with RJ as it is grounded in RJ (Umbreit & Vos, 2000). In this method, the victim and offender meet face-to-face and dialogue about the harm and how to redress the harm (Paul, 2015; Miller & Iovanni, 2013; Umbreit & Vos, 2000). The VOM is also known as a victim-offender conference (VOC) (Paul, 2015).

Family group conference (FGC). Building on the premise of having the victim and offender meet face-to-face, the FGC further enables the stakeholders to invite key members of their family into the conversation (Tsui, 2014). This method is beneficial in orchestrating RJ with family members in cases of interpersonal violence (Miller & Iovanni, 2013; Wasileski, 2015). Though, some would argue that the circle's methods would be more appropriate as it includes the community into the process (Wasileski, 2015).

Circles. Circles are a broader approach as it includes the victim, offender, and members of the community affected by the harm as defined in aboriginal cultures (Johnstone, 2014; Tsui, 2014). Additionally, sentencing circles use the circle's structure in RJ (Tsui, 2014). Consequently, the stakeholder's consider the community's understanding and wishes in redressing the harm (Johnstone, 2014).

Restorative Justice: The Benefits

A great deal of information has been generated towards the benefits of RJ since its reemergence in the 1980s. Most notable in this RJ category are the works completed by Sherman and Strang (2007), their publication, *Restorative Justice: The Evidence*. Within this publication, Sherman and Strang posit 10 categorical conclusions concerning the

effectiveness of RJ when utilized in conjunction in the criminal justice context. Sherman and Strang's conclusion include: crime victims do better overall, including in areas with posttraumatic stress; offenders who participate in RJ are less likely to reoffend; RJ is not known to have increased recidivism in any large-scale analysis; RJ reduces recidivism more consistently with violent and serious offenses; diversion to RJ increases the potential of the offender being brought to justice; RJ is most successful when facilitated by trained police officers; RJ does not conflict procedural or common law practices; RJ does as well with repeat offenders issued short imprisonment sentences; and RJ reduces the victim's desire to seek revenge (Sherman & Strang, 2007, p. 88).

As the literature suggests, one of the biggest benefits of RJ is that recidivism is less likely with offenders who engage in RJ as part of their judiciary process (Miller & Iovanni, 2013, Sherman & Strang, 2007). Shapland (2014) suggests that offenders reoffending reduce by as much as 14 percent. Furthermore, offenders acknowledge their wrongdoing (Curtis-Fawley & Daly, 2005), become accountable to their harm (Miller & Iovanni, 2013), and gain valuable insight into their behavior in respect to the offense and the process of redressing the harm (Johnstone, 2014).

According to cumulative data from the Bureau of Justice Statistics in 2005, the likelihood of an offender recidivating increases as time progressed from their release date for an offense (Snyder, Durose, Cooper, & Mulako-Wangota, 2017). Offenders 6 months from their release recidivated at a 28.2% rating; 1 year, 43.4%; 2 years, 59.5%; 4 years, 73.0%, and 5 years, 76.6% (Snyder et al.,2017).

Under the existing traditional criminal procedure, victims' voices are defined and limited by the process. Given the procedural rule in the court system, victims can only answer questions asked of them, only in cases where they are called to the stand to testify. With most cases plea-bargaining and few going to trial, the opportunity for a victim to articulate the effects of the harm becomes a rare instance (Paul 2015, Zehr, 2002). However, through RJ, the victim can fully voice the impacts of their crime (Curtis-Fawley & Daly, 2005; Miller & Iovanni, 2013). The attribute of empowerment becomes a remarkable psychological benefit for the victim (Miller & Iovanni, 2013).

RJ proves to be an alternative to the traditional criminal justice system (Curtis-Fawley & Daly, 2005). It is a less complex process, is far less costly, and able to be implemented with ethnically diverse groups (Gavrielides, 2014). As a result, there is an increase in social literacy, emotional literacy, and self-esteem, promoting community building (Daniels, 2013). The next logical step would be to implement "Neighbourhood Justice Panels" [sic] (Daniels, 2013). Not only does the process bring unification to the community, but it also brings unification to families as stakeholders can dialogue about the offenses and the resolutions agreed upon (Miller & Iovanni, 2013).

The last and most significant area of benefit surrounds the satisfaction levels of RJ participants. Overall, RJ participants are more satisfied with the RJ process than the traditional litigation means in resolving criminal offenses (Payne & Conway, 2011; Shapland, 2014; Sherman & Strang, 2007; Van Camp & Wemmer, 2013). In a study utilizing an RJ VOM process in two separate homicide cases where the convicted offenders were awaiting execution, the family survivors and offenders both articulated

high levels of satisfaction with the RJ process, reflecting the potential for RJ in crimes of

violence (Umbreit & Vos, 2000). Van Camp and Wemmer (2013) articulated that

participants in RJ were more satisfied with these processes due to the favorable impact

regardless of the outcome, the ability to exercise their voice and be heard, victim

recognition, and a higher quality of interaction than experienced in the traditional system.

Restorative Justice: The Harms

While many practitioners promote the benefits of RJ, most research neglects to

recognize harms and other underlying issues that can negatively impact stakeholders

during an RJ process (Roche 2003). Many RJ proponents promote the need for

community inclusiveness to enable the ability to hold offenders accountable outside of

the traditional criminal justice system (Ptacek, 2010). However, true accountability can

be quite elusive in RJ (Roche, 2003). Furthermore, overarching issues in RJ include the

propensity for it to expose victims to further victimization, manipulation, and draw in

members of the community who do not have a viable interest in the case (Ptacek, 2010;

Roche, 2003; Strang 2002; Walters, 2014).

Many RJ facilitators have expressed concern about the inability of RJ

practitioners to hold offenders accountable through RJ processes (Roche, 2003). This

issue is believed to stem from procedural deficiencies and lack of public accountability

(Roche, 2003, p. 19). In fact, Roche (2003) argues "there has been no structured

examination of the accountability of restorative justice programmes" (p. 20). The lack of

accountability poses a threat to RJ as this proves to be a significant gap unstudied in the

RJ phenomenon (Roche, 2003). More concerning is whether or not RJ will be able to

develop an accountability protocol that has teeth. Currently, accountability is exercised

by referring cases to the courts through traditional means when an offender fails to

comply with the RJ process. However, this would only be beneficial in cases where the

RJ process is implemented in court diverted cases and a traditional court trial differed.

However, Miller and Iovanni (2013) have demonstrated the use of RJ in a postconviction

setting. Under these circumstances, RJ practitioners would not have the leverage of the

court to hold non-compliant offenders accountable. As a result, RJ practitioners have no

reel teeth in holding offenders accountable (Roche, 2003).

Outside of the accountability issue are more prevailing concerns where offenders

can use the structure of the RJ process to manipulate or further victimize the victim for

personal gain. Strang (2003) articulates the potential for imbalances during an RJ process

leaving the victim in greater fear or even used. In earlier eras, RJ was more offender

focused, whereas the shift now centers on victim-centeredness (Strang, 2003). In the

1970s, when RJ focused on offenders, offenders were able to manipulate the procedures

and walk away from offenses without being held accountable through the RJ process, or

by the courts (Strang, 2003).

In cases of violent crime, there is a greater concern among practitioners as to the

feasibility of facilitating RJ as a legitimate intervention. RJ opponents argue that its

process causes further harm and revictimization to the victims of violence such as rape,

sexual assaults, and domestic violence (Ptacek, 2010). This issue is further complicated

as we consider victims who are women of color as the RJ process tends to be a one size

fits all and fails to recognize community and cultural differences (Ptacek, 2010). In cases

of violent crimes, these interventions tend to be initiated by state entities and are closely

monitored by the government, which tends to impose limitations to the RJ processes,

effectively imposing a retributive concept into a redintegrative process (Ptacek, 2010).

Strang (2003) has previously contended that when state officials (e.g., police officers)

facilitate the RJ process, there is the potential for the practitioners to utilize their

authorized discretion, further influencing the process through a retributive lens. For

example, if a police officer facilitator does not approve of a sentence agreement between

a victim and offender involved in a domestic violence offense, they tend to dismiss the RJ

process and put the case back before the court for formal trial (Strang 2003).

Most importantly are the issues of having a victim and offender from a crime of

violence meeting each other in face-to-face in an RJ process. The Eighth Amendment to

the U.S. Constitution affords the accused the right to confront their accuser. While a

traditional courtroom setting provides ample security for this process, such amenities are

not always available in an RJ process. This threat against the victim's safety raises great

concern within RJ environments where security measures are not in place. When an

offender has access to the victim, particularly in cases of violence where an RJ process is

employed as a court diversion, the offender could easily manipulate, intimidate, or coerce

the victim into accepting an ill-conceived resolution agreement and walk away from the

offense without being held accountable (Ptacek, 2010).

As we have examined RJ through a variety of positive and negative perspectives,

there is one overbearing issue remaining that is not usually addressed in RJ literature.

This issue stems from the manner in which RJ is researched and reported. According to

Walters (2014), few RJ studies employ the use of control groups, which is "the most

reliable of which should involve random allocation of participants to either mediation or

court" (p. 53). Walter appropriately recognizes the importance of control groups as they

afford the researcher the flexibility to compare and contrast. It is further revealed that in

failing to use control groups, the researcher often conducts their research with an

interview and questionnaire instrumentations that may fail to recognize process variables,

referring to the process outcome (Walters, 2014). Research studies need to be rigorously

administered and fully consider data limitations (Walters, 2014, p. 54). Walters suggests

that RJ studies have not necessarily met this burden.

Restorative Justice Developed in the United States

To date, there has been no serious effort to codify the intrinsic history of

restorative justice (Van Ness & Strong, 2015). RJ emerged simultaneously in different

regions of the world (Van Ness & Strong, 2015). Some significant events that occurred in

the United States that contributed to bringing RJ to the place in time where it stands today

in our nation. This timeline conveys how new the RJ concept is to the American criminal

justice system and further reveals how RJ has only recently turned towards usage with

serious and violent offenses.

In 1899, Chicago, Illinois formed the first juvenile court system (Tsui, 2014).

While the new system improved, to some extent, treatment of juvenile offenders within

the criminal justice system, it would not be until the 1960s that the next major reform

concerning juvenile delinquents would impact the justice system. During the 1960s the

U.S. Supreme Court would issue several rulings that would bring an equitable due

process to juvenile offenders (Tsui, 2014).

In 1978, the first RJ initiative emerged in the United States through the design of

a Victim-Offender Reconciliation Program (VORP) in Elkhart, Indiana (Van Ness &

Strong, 2015). During this same year RJ pioneer, Dr. Zehr worked as a director of a half-

way house in Indiana (Walker, 2013). When the house burned down, and the organization

was unable to rebuild, Zehr was asked to begin facilitating VORP programs (Walker,

2013). Zehr indicates that it was during this time he realized the power of other structures

in restorative justice, which the structure should not be one-sided and the community

could be empowered (Walker, 2013). The Batavian County Sheriff's Office created the

Genesee Justice Program in 1981, which implemented community service sentences,

victim assistance support, and VOM processes (Van Ness & Strong, 2015). By 1986, the

reform group, Justice Fellowship, identified core principles to RJ, and two years later the

U.S. Association of Victim-Offender Mediation organization was founded (Van Ness &

Strong, 2015).

The 1990s proved to be a time of evolution in RJ as new organizations formulated

and introduced RJ to our communities. In 1990, the Office of Juvenile Justice and

Delinquency Prevention developed the Balanced and Restorative Justice program

(BARJ) with the assistance of Gordon Bazemore from Florida Atlantic University (Tsui,

2014; Van Ness & Strong, 2015). Tsui (2014) describes that in 1992, the Juvenile

Detention Alternative initiative continued reform efforts to keep juvenile offenders from

being incarcerated in the Chicago area. When implementing RJ in the Chicago area, the

tendency was to only utilize a "community-style" of RJ without any uniformity in its

application (Tsui, 2014). The following year the U.S. Association of Victim-Offender

Mediation went international and became the Victim-Offender Mediation Association

(Van Ness & Strong, 2015). In 1994, RJ achieved several notable accomplishments. The

Real Justice organization was founded and introduced the concept of FGC to RJ, and the

Minnesota Department of Corrections implemented RJ into the correctional systems (Van

Ness & Strong, 2015). In 1995 the federal government adopted sentencing reform to

include RJ concepts (Van Ness & Strong, 2015). The following year Prison Fellowship

International introduced RJ online, and in 1996, the Department of Justice held its first

conference centered on RJ topics (Van Ness & Strong, 2015).

During the 2000s, RJ has progressed throughout the criminal justice system. The

Department of Human Service dedicated 2 million dollars a restorative program known

as the Mental Health Juvenile Justice Initiative (Tsui, 2014). The creation of The

International Institute of Restorative Practices promoted a variety of RJ methods (Van

Ness & Strong, 2015). Fresno Pacific University was the first higher education institution

to adopt RJ methods as an alternative to zero-tolerance policies (Van Ness & Strong,

2015). Miami-Dade County Public Schools soon followed suit and implemented RJ as

their disciplinary process (Van Ness & Strong, 2015). The State of Virginia adopted

legislation that permitted victims of crimes to meet their offenders in state correctional

institutions (Van Ness & Strong, 2015). Most recently in 2013, the state of Colorado

adopted legislation requiring judges to authorize RJ processes in appropriate cases (Van

Ness & Strong, 2015).

Recently, in the U.S. criminal justice system, a great deal of discussion has occurred concerning the need for reform. The focus has centered on ways to intervene in criminal offenses without utility of a retributive consequence. With the discipline of RJ advancing quickly (Walker, 2013), the current timing and the impetus of RJ utilization in juvenile offenses and misdemeanor crimes, proves to be an opportunity for expansion for the non-retributive concept.

Use of restorative justice in nonviolent offenses. Initially, restorative justice started as an effort to address crimes of burglary (Zehr, 2002). This crime is often inappropriately considered a minor offense (Zehr, 2002). Individuals and communities needed an approach for addressing wrongdoing (Walker, 2013).

Historically, RJ is viewed as a process that is intended solely for use with minor crimes and offenses involving juveniles (Crawford, 2015; Gavrielides, 2014; Holsinger & Crowther, 2005; Miller & Iovanni, 2013; Sherman & Strang, 2007; Walgrave, 2005). Minor offenses are those offenses such as shoplifting, vandalism, and juvenile offenses (Gavrielides, 2014; Sherman & Strang, 2007). Typically, many people unfamiliar with RJ and its processes are often misled to believe that this intervention is a soft-handed approach for minor crimes (Gavrielides, 2014). Further misleading is the notion that RJ is solely effective with nonvictim crimes (Sherman & Strang, 2007). The notion has been to use RJ primarily for nonvictim crimes (e.g., driving under the influence and shoplifting) where crimes with legitimate victims (e.g., burglary, theft, or destruction of property) need not adhere to RJ processes but rather administer sanctions through more traditional criminal justice means (Sherman & Strang, 2007). However, in recent years, RJ has

expanded beyond its effectiveness with minor offenses and is now used for crimes of violence (Sherman & Strang, 2007).

A strength of RJ in conjunction with nonviolent offenses is that it does not fall under the same scrutiny as it does when facilitated with crimes of violence. However, this strength could also prove as a weakness as RJ has not been scrutinized rigorously in research (Walters, 2014). With criminal justice professionals wrestling with how reform should unfold in the traditional arena, this stage marks a tremendous opportunity for RJ to be further studied, employed, and utilized as an alternative to the retributive mindset plaguing the judiciary system.

Use of restorative justice in violent offenses. As RJ has emerged in the United States, many diverse perspectives have surfaced concerning the applicability of RJ in the criminal justice system. Some perceive RJ as soft-handed on crime while others advocate it for juvenile and minor offenses only (Zehr, 2002). In fact, most implementations of RJ occur in non-serious offenses (Walgrave, 2005). However, RJ can bring about benefits for the stakeholders in violent offenses (Umbreit & Vos, 2000; Zehr, 2002), but research reflects that it is more effective when employed in cases of violence (Sherman & Strang, 2007). In fact, in studies through six different field tests, RJ was found to reduce recidivism in serious adult and youth offenses consistently in all six tests (Sherman & Strang, 2007, p. 4).

Umbreit and Vos (2000) further demonstrated this notion when employing RJ with two separate murder cases. In both cases, Umbreit and Vos introduced a VOM between the immediate surviving family members of the victim and the offender.

Administrated in a post-conviction setting, the VOMs afforded the opportunity for the

family members to ask questions of the offender, including why their loved ones were

targeted (Umbreit & Vos, 2000). At the time of the VOM, both offenders were awaiting

execution, yet expressed a high level of satisfaction with the RJ process as it brought

closure to their case (Umbreit & Vos, 2000). The surviving family members were just as

satisfied with the process, articulating their pleasure in learning why the offender killed

their loved one and whether they were targeted or the crime was a random act (Umbreit

& Vos, 2000). Only one surviving family member participant was regretful of the

offender's subsequent execution (Umbreit & Vos, 2000). At the time of Umbreit and

Vos' study, only three cursory studies existed concerning RJ and violent offenses, none

as it pertained to homicide cases.

Concern mounted for victims of violent crimes subjected to the possibility of

being revictimized (Curtis-Fawley & Daly, 2005; Hayden, 2012; Ptacek, 2010; Strang,

2003; Stubbs, 2007; Walters, 2014). With RJ often administered as a court diversion,

before adjudication of the case, victims were at risk of being revictimized (Curtis-Fawley

& Daly, 2005; Hayden, 2012; Ptacek, 2010). In cases of domestic violence, offenders

could persuade victims to drop the charges, resulting the offender resuming their volatile

role in the household and continuing with the mental and physical violence (Curtis-

Fawley & Daly, 2005; Ptacek, 2010; Stubbs 2007). The accused would achieve

manipulation by proffering an apology before court litigation and the victim dropping the

charges (Stubbs, 2007).

A variety of valid issues were raised during this timeframe in the development of RJ. First, the overall safety of the victim in cases of intimate violence became paramount. Ptacek (2010) articulates how having the victim and offender meet face-to-face provides the offender with an opportunity where the victim could be vulnerable, particularly when the RJ process is employed as a court diversion. During this stage, the RJ process has little to offer by way of holding the offender accountable unless it refers the case back to the court for trial (Roche, 2003). Even more concerning is the subjectivity the victim will endure during the process as some studies have reflected that the process was more harmful than helpful as the victim was taken advantage of by the offender (Ptacek, 2010). Finally, while RJ advocates proclaim that accountability can be instituted through the active participation from the community, this presents additional issues (Ptacek, 2010; Strang, 2003). Issues concerning community involvement range from having too many, or too few people involved, to also including community members bringing retributive mentalities into the RJ process and influencing the outcomes (Ptacek, 2010). However, Strang (2003) suggests that the RJ process may be at its strongest if it is employed in tandem with the existing traditional criminal justice system.

Curtis-Fawley (2005) also recognized the ability to facilitate RJ with the traditional criminal justice system in a parallel fashion. Consequently, Miller and Iovanni (2013) posit that implementing an RJ in a post-conviction model removed the threat of the victim being manipulated or revictimized in cases of domestic violence or sexual assault. A post-conviction model further removed the victim from the immediacy of the

harm, allowing the victim to heal and prepare for the encounter that comes years after the court issued a sentence of incarceration (Miller & Iovanni, 2013).

Though utilization of RJ in cases of violence between intimate partners (IPV) is greatly debated, safety issues remain a concern (Hayden, 2012). The timing of the RJ process could prove to be detrimental, particularly in the case of violence (Curtis-Fawley & Daly, 2005; Hayward, 2012; Stubbs 2007). However, if implemented with great care, consideration and precision, RJ can prove to be satisfactory and beneficial for the stakeholders (Miller & Iovanni, 2013; Sherman & Strang, 2007; Van Camp, 2013). Under this premise, RJ can be a great tool for utilization in crimes of violence to include domestic violence (Miller & Iovanni, 2013), sexual assault (Koss, 2014), reentry programs for high-risk offenders (Bender et al., 2016), and potentially terrorism (Regalia et al., 2015). With crimes committed for a platitude of reasons, determining motivational factors of RJ participants would be important in recognizing genuine sincerity from instances of manipulation.

Motivational factors. Paul (2015) articulates that offender related outcome goals, victim-related outcome goals, process goals, and informational goals all influence individuals' willingness to participate in a VOC RJ process. In his recent study, Paul identified and examined motivational factors that caused victims to participate in a VOC. Paul describes the VOC as a restorative process by which the victim, offender, and their supporters engage in a conference, speak about the harm and redress the issue. Through 140 randomly selected participants, Paul presented a hypothetical criminal vignette, encapsulated in a survey, to capture motivational influences of victims and their

willingness to participate in RJ based on the facts posed in the vignette.

Paul's (2015) overall findings revealed that victims' willingness to participate in RJ is a "product of a motivation to help both the offender and oneself" (p. 112). In specific terms, motivational factors included that the victim wanted to establish a relational rebalance between them and the offender, the victim wanted the offender to pay materially and symbolically for their harm, and the victim wanted to see the offender accept responsibility for their actions (Paul, 2015). What has yet to be studied is the offender's willingness to participate in RJ.

While victims and offenders of minor and serious offenses are interested in participating in the RJ process (Newell, 2007), the previous literature indicated that approximately 40-70% victims participate in RJ where the crime was nonviolent in nature (Umbreit et al., 2004). Borton (2009) suggests that only 25% of victims of violent crimes demonstrate a willingness to participate in an RJ process. There is no research to suggest what motivational factors influence offenders to participate in RJ (Paul, 2015).

While Umbreit and Vos (2000) and Sherman and Strang (2007) demonstrate positive attribute of RJ and how it produces an overall benefit for society, Curtis-Fawley and Daly (2005), Strang (2003), Ptacek (2010), and Walters (2014) all raise valid concerns about the lack of accountability in RJ processes and the potential danger that victims can be placed in when meeting the offender or conducting an RJ process where community members are the thread of accountability. Zehr (2002) contends that victims, offenders, and members of the community are all stakeholders or RJ. By identifying motivational factors of ex-offenders who have been previously committed a crime, were

convicted, and through the traditional criminal justice system, RJ practitioners would be

better able to assess and determine appropriate procedures to facilitate RJ processes with

accountability and not endanger stakeholders.

Summary

Since the inception of the early foundations of the U.S. criminal justice system

has been one plagued with discrimination and bias (Alexander, 2010). With the

emergence of RJ in the United States in 1978 (Van Ness & Strong, 2015), it has evolved

from a philosophical concept to a practical application for amending wrongdoings (Zehr,

2002). Today's American criminal justice system is beleaguered with certain

consequences of an overworked retributive system. With some 1.53 million people

incarcerated in state and federal systems (Bureau of Justice Statistics, 2015), mass

incarceration, overcrowding, recidivism, and the psychological impacts of the

imprisonment stigma leave telling scars on indelible lives. With the introduction of RJ

into the system, and its evolution from employing a simple VORP initiative to

completing circles in serious and violent offenses, RJ has evidenced its ability to impact

the system more beneficially. This evidence prevails through the satisfaction levels of the

participants (Sherman & Strang, 2007), the lower recidivism rates amongst offender who

partake in a RJ intervention (Miller & Iovanni, 2013; Sherman & Strang, 2007), and the

ability to give the victim a more active voice in the process (Curtis-Fawley & Daly, 2005;

Miller & Iovanni, 2013).

Invariably, the argument to balance treatment and punishment continues

(Walgrave, 2005). With the directionality of RJ in the criminal justice system, it remains

to be seen how long it will take before RJ is used on a wide scale basis against

criminality. As an exploration of the motivational factors of victims' participation in RJ

has only scratched the surface, more thorough research is needed in this arena (Sherman

& Strang, 2007; Paul, 2015). Without question, determining and understanding

motivational factors for all of the potential stakeholders of an RJ intervention could

provide RJ practitioners with the ability to approach future stakeholders of criminal

offenses better and implement an intervention with more lasting effects. In researching

potential motivational factors amongst offenders, it is plausible that the 40-74% of

victims in nonviolent offenses and the 25% of victims in serious cases can increase, and

the established benefits of RJ better enjoyed by those affected. In Chapter 3, I will

explain the research method, identify the threats to validity, describe the issues of

trustworthiness and ethical procedures used in this study.

Chapter 3: Research Method

Introduction

The purpose of this mixed-method study was to examine whether motivational differences exist between violent and nonviolent ex-offenders with respect to their willingness to participate in RJ processes. In this chapter, I will outline the setting of the research, describe the mixed-method design rationale for the study, and explain the role of the researcher in both the qualitative and quantitative aspects. The methodology of the study will be expressed in detail, including a description of the instruments required to complete the study. Attention will be given to the procedures for recruiting participants, my expectations in their participation to complete that data gathering, and the coding process for the qualitative datum coupled with a MANOVA regressive analysis of the identified demographic independent variables. Finally, I will enumerate the considerations concerning the threats to validity, issues of trustworthiness, and ethical procedures employed to ensure the participants' safety.

Setting

In this mixed-method study, I conducted a predominately qualitative analysis of narratives from 10 ex-offenders obtained through semistructured interviews with each participant followed by a quantitative, nominal and ordinal, Likert-scale based demographic questionnaire that captured the participants' historical demographics for the purpose of determining any demographical influences on any potentially developed motivations by the individual participants. As this study was dependent upon the necessity to audio record the interviews of each participant individually, there was a need

to establish a location that afforded both the participants and I the opportunity to conduct the interview and complete the questionnaire privately and uninterrupted.

Currently employed with the state of West Virginia, I have access to state facilities that are permitted to be used by members of the public. These facilities are availed and contribute to providing such a needed setting. At this state facilities are several conference rooms that afforded the necessary privacy for conducting the semistructured interview and follow-up demographic questionnaire.

I chose the selected conference/meeting rooms for this process for several reasons. First, GSC is a public state college in West Virginia, and therefore available for use by the public at large. More specifically, because facility is a state facility, its resources, including the room intended for the interviews of this study, are available to the general public upon reservation and rental. Furthermore, it is a place in West Virginia where community members converge for a variety of social events that occur at the facility. The public is familiar with the facility and its consistent outreach to the community. Secondly, the facility is an administration building situated near a series of offices. This building provides accommodations for visitor parking and secluded access to the described meeting rooms within the building. Participants in the study would appear as guests at the facility, a frequent occurrence in the facility, that would not telegraph to individuals not involved in the study the purpose of the participants' business at the facility. Finally, in contrast to my office, the conference meeting rooms within the facility are simply furnished and lack any influential décor as the walls are bare from decoration and each room only contains a table and chairs. Whereas my office would

provide ample seating and comfort for myself and the participant, there is a concern that

the décor containing regalia from my professional success in my 25-year law

enforcement career and my current academic achievements may be influential in

participants' willingness to divulge sought information.

For participants who are unable to reach the facility, other accommodations were

provided based on the locale of the participant and the availability of public buildings

(e.g., libraries, community halls, and churches) that participants would feel comfortable

to meet. State facilities are dispersed throughout the state and available to the public for

general use. In such situations, efforts were exhausted to ensure the participant's

interaction is conducted in privacy to prevent outside influences from contaminating the

data collection processes.

Research and Design Rationale

For this study, I selected a mixed-method analysis to determine and examine

potential motivational factors of ex-offenders to participate in RJ. The study was

primarily qualitative in nature (i.e., QUAL + quan) and ran consecutively, beginning with

a semistructured interview and concluding with a demographical survey. The ultimate

objective of social science researchers is to "produce a cumulative body of verifiable

knowledge" (Frankfort-Nachmias, Nachmias, & DeWaard, 2015, p. 8). Issues facing

social science researchers are often intricate, and the use of a mixed quantitative and

qualitative approach is more appropriate than merely using one of the existing

methodologies (Creswell, 2009). Through this process, researchers seek to proffer

explanations for the phenomenon and determining the circumstances that cause it

(Frankfort-Nachmias et al., 2015). Consequently, a mixed-method approach can gain insight (Creswell, 2009).

The research questions for this study were:

Research Question 1: What are the motivational factors that impact the willingness of nonviolent ex-offenders to participate in restorative justice?

Research Question 2: What are there motivational factors that impact the willingness of violent ex-offenders to participate in restorative justice?

Research Question 3: Are there differences in motivational factors between nonviolent and violent ex-offenders?

Research Question 4: What are the demographical differences between nonviolent and violent ex-offenders' motivations to participate in restorative justice?

Research Question 5: Does the ex-offenders' type of criminal offense impact their motivational factors to participate in restorative justice?

Research Question 6: Does the ex-offender's frequency of offending influence their motivational factors to participate in restorative justice?

Within a mixed-method approach, three types of explanations become available to the researcher: deductive, inductive, and abductive (Frankfort-Nachmias et al., 2015). Where universal laws establish explanations and the absence of laws determine inductive explanations, abductive explanations target hard-to-reach populations and topics that are difficult to research (Frankfort-Nachmias et al., 2015). For this study, I did not consider ex-offenders (i.e., those convicted of crimes who are no longer under the authority of the correctional or judiciary system and are free in society) a hard-to-reach population,

thereby leaving a combination of a deductive and inductive methodology to determine and evaluate motivational factors amongst ex-offenders. Creswell and Plano Clark (2011) indicated that the use of a mixed-method analysis should occur when one data source is insufficient and explanation is required.

Role of the Researcher

In a mixed-method study, the role of the researcher must be evaluated in a two-fold fashion to consider both the qualitative and quantitative aspects of this responsibility. Under the auspices of the qualitative nature of the study, the researcher is the primary instrument in the research (Ravitch & Carl, 2016). Ravitch and Carl (2016) further expounded on the importance of the researcher's positionality and social location as it pertains to the researcher's identity. Positionality consists of the researcher's role and identity in the context of the research setting (Ravitch & Carl, 2016). Whereas, social location, also synonymous with social identity, pertains to the researcher's gender, social class, race, ethnicity, etc. and contributes to the researcher's positionality (Ravitch & Carl, 2016). Therefore, the reader should be aware that I am a White male, retired police officer/detective, who has transitioned into higher education and serves as an assistant professor teaching criminal justice topics, and has an interest in bringing about equality in the judiciary system through the concept and further implementation of RJ.

Conversely, the role of the researcher through the quantitative segment of this study was nonexistent. Quantitative research tests objective theories through the examination and measurability of variables (Creswell, 2009). However, it is important to note that "those who engage in this form of inquiry have assumptions about testing

theories" (Creswell, 2009, p. 4). Experimenters can unintentionally convey their expected

findings with participants' behaviors and responses (Frankfort-Nachmias et al., 2015).

With this consideration in mind, I have disclosed my positionality, social location, and

implicit biases within the confines of this document.

Methodology

A methodological approach to a scientific inquiry is a broad technique

determining how addressing a research question should be conducted (Teddlie &

Tashakkori, 2009). Methodologies allow mixed-method research to apply worldviews

(Creswell & Plano Clark, 2011). The intent of this study was first to determine, then

evaluate, the possible motivational factors of ex-offenders in relationship to participating

in RJ. Through the mixed-method approach, I employed a transformative design, where a

concurrent approach consisted predominantly of a qualitative, semistructured interview

immediately followed by a quantitative questionnaire (QUAL + quan). Creswell and

Plano Clark (2011) described a transformative design as one in which the researcher

addresses social injustices by collecting qualitative and quantitative threads of data that

can be analyzed concurrently, sequentially, or both (p. 222). Through the qualitative,

semistructured interviews, I determined whether motivations exist and evaluate any

identified motivations through qualitative coding. Qualitative interviews are significant

for studying processes that are imperceptible (Rubin & Rubin, 2012). The quantitative

questionnaire instrument obtained the participants' demographics where a MANOVA

regressive analysis helped me to determine whether specific demographics are influential

with any identified motivations. The mixed-method approach in this study allowed me to

identify whether motivational factors exist, what they are, and whether the participants'

demographics influence any identified motivations.

Participant Selection Logic

Teddlie and Tashakkori (2009) identified how the quality of derived data is

correlated to how participants view the legitimacy of your research. Given the subject

matter of this study, it was imperative that participants had a knowledge base centered as

a convicted offender as it relates to RJ. In this sense, I decided to use a *purposeful*

sampling. Creswell and Plano Clark (2015) described purposeful sampling as a means by

which researchers intentionally recruit participants with specified experience central to

the phenomenon under study (p. 173). Selecting participants with criminal experiential

backgrounds was essential for deriving accurate data through the inductive portion of this

study.

Therefore, in considering this logic, I sought participants through the publication

of newspaper ads and by word of mouth through the community. Preliminary information

for the potential participant was gathered to confirm that the individual had a bona fide

criminal conviction and was no longer under the authority of any correctional or judicial

systems (e.g., completing court appointed community service hours, serving weekend

sentences, probation, parole, etc.). Once the selection was made, the participant was

categorized into a nonviolent or violent ex-offender category based on the nature of their

conviction.

Instrumentation

Qualitative components. The instrumentation for this study consisted of a

semistructured interview with each participant on an individual basis. An interview involves an in-person interaction to elicit answers concerning an identified hypothesis (Frankfort-Nachmias, 2015; Teddlie & Tashakkori, 2009). The interview process has both advantages and disadvantages. Interviews are advantageous with their flexibility, ability to gauge and control the conversation, gain a high response rate, and collect supplementary information (Frankfort-Nachmias, 2015). The disadvantages of an interview process are higher costs, the potential for interviewer bias, and the lack of anonymity that a mail questionnaire provides (Frankfort-Nachmias, 2015). Mixed-method interviews can be considered least structured, more structured, or most structured (Teddlie & Tashakkori, 2009). A semistructured interview allows the researcher the flexibility to ask prescribed questions of the participant and to use follow-up questions to bring about clarity to responses (Rubin & Rubin, 2012). Such semistructured interviews involve extended conversations and encourage the participant to provide lengthy answers with vivid details (Rubin & Rubin, 2015, p. 31). Bernard (2012) indicated that saturation in qualitative research cannot be quantified, and Kaur (2016) proffered that in mixed-method studies, saturation is achieved through the repetition of categories from derived information.

With the semistructured interviews, I was first focused on gathering the participants' knowledge of RJ and then inquired about their willingness to engage in different activities involved in an RJ process. I asked about their knowledge of RJ. I then shifted to inquire about the various actions routinely involved in RJ processes and whether they would have considered participating in these processes as related to their

specific offense. Furthermore, the participant was asked to consider if the RJ process would have benefited them in their case as well as what, if any, motivational factors would have compelled them to participate in the process. The interviews were audio recorded, transcribed, reviewed by both me and the participant, and then coded and analyzed through the NVivo qualitative software package.

Quantitative components. Though this study is primarily qualitative in nature, it intends to utilize a quantitative aspect to examine if the participants' demographics are influential on any potentially determined motivations. Before employing it in the study, a demographical questionnaire instrument needs to be generated and tested for reliability and validity. Searching for an existing questionnaire instrument that encapsulates the identified independent variables with specificity has revealed that no such instrument exists. A 1972 *Inmate History Questionnaire* was located and previously indicated it captured demographical information of incarcerated inmates. However, searches for the specific instrument proved fruitless in locating a transcript of the actual instrument for evaluation and consideration for use in this study. Furthermore, there are concerns whether a 1972 instrument would accurately capture 2017 demographical categories as cultural and societal perceptions have changed considerably over the past 4 decades.

The stability of the instrument's capability to measure is known as reliability (Frankfort-Nachmias, 2015). The demographic questionnaire instrument will be developed and tested with an independent group before facilitation with the study to ensure the reliability and validity of the instrument. Munshi (2014) identifies that an instrument with low reliability may lead to errors by failing to detect real effects (p. 1).

The instrument will consist of nominal and ordinal (Likert scale) values for the

participant to select. For questions requiring a Likert scale response from the participant,

Munshi (2014) indicates that a 7-point scale would generate lower measurement error

than that of the traditional 5-point Likert scale (p. 9). A 7-point Likert was employed in

the development of this instrument.

The participants completed a self-administered, or self-completion, questionnaire,

where they answered the questions themselves (Bryman, 2016). The questionnaire should

have a clear presentation, simplistic instructions, and keep questions and answers in a

logical format (Bryman, 2016). The participant answered questions that address each of

the demographics identified as an independent variable. A MANOVA regressive analysis

was completed to determine if significance is present with any potentially developed

motivations.

Intervention Studies of Those Involving Manipulation of an Independent Variable

I did not intend to introduce the manipulation of an independent variables with its

participants. The construct of the independent variables consisted of a variety of

demographic points with the participants. Because such demographic points contained

various levels within their category, manipulation was not required.

Pilot Studies

Two specific instrumentations were used within this study: a qualitative

semistructured interview followed by a demographical questionnaire. These instruments

were utilized in the actual study but needed to be developed as current instrumentation

does not exist. The semistructured interview pilot was composed of the actual questions

intended for participants as the questionnaire is comprised of the questions designed to capture the needed demographical information for the variable information of the study.

I outlined the order and way these instruments were availed and utilized in the study. First, a qualitative semistructured interview was conducted, followed by a brief questionnaire the participant completed on paper. I outline the two instruments, their purpose, and the procedures for completing a pilot study of each.

Semistructured interview. Because semistructured interviews are flexible (Rubin & Rubin, 2012), it is difficult to predict precisely how each interview would transpire within the confines of this study. The basic questions of the interview were designed to first elicit the participants' knowledge about the basic concepts of RJ. The participants were asked prescribed questions about different activities employed in RJ processes. I sought to determine if the participant would have participated in the prescribed RJ activities with respect to their specific criminality. Participants were asked what, if any, motivations would surface to cause them to participate in an RJ process and if they believed the RJ process would have benefited them in their specific case.

Currently, there is no such instrument available for utilization within this study, and a pilot test of this instrument is necessary to ensure the validity and reliability of the instrument. The instrument was designed and made available to hypothetical participants in a face-to-face interview. The pilot test was implemented, documenting the responses and evaluating the responses to determine if the solicited answers reflect the type of answers anticipated by the instrument. Adjustments were implemented where needed.

Participants for the pilot study were sought from the public using, newspaper ads, social media and other Internet outlets. Because I sought to utilize ex-offenders, which includes people who have committed minor offenses (e.g., traffic offenses) to serious offenses (e.g., assault), such individuals are accessible through the Internet, and those who are located within the locale can be used for the pilot study. Additionally, a snowballing effect was experienced as ex-offenders shared the information about this study with others who contacted me.

Demographic questionnaire. A demographical questionnaire was developed to ascertain the participants' demographics (gender, race, childhood and current family type, level of education, religious affiliations, types of offenses, and rate of criminality). The data was intended for evaluation through a MANOVA analysis to determine potential correlations between derived motivations and demographics of the participant. Additional data points were evaluated through an independent-samples *t* test and post hoc analyses.

As with the semistructured interview instrument pilot test, the demographical questionnaire will be administered to hypothetical participants and evaluated to determine if thee elicited information was the intended information sought to be drawn out from the participant. Modifications were completed where necessary.

Procedures for Recruitment, Participation, and Data Collection

Participants being sought to participate in this study consisted of members of society who have a criminal conviction on their criminal record classified as either a nonviolent or violent offense. The ex-offender participants were not currently under the authority of any correctional or judiciary system and considered free members of our

society. Participants were recruited through the employment of local newspaper ads and by word-of-mouth in the community. Those who are interested in participating in the study can make application to me, who then reviewed their information for determining eligibility. If selected for further consideration, I met with the participant in person for further consideration. Through a prescreening interview process, participants were briefed on the research and preliminarily inform the researcher of all criminal convictions. If selected, I categorized the participant in either a nonviolent or violent ex-offender category and determine their eligibility. Eligibility was determined by the existence of a criminal conviction and not currently falling under the authority of either the correctional or judiciary systems. A culmination of five nonviolent and five violent ex-offenders are being sought to complete this study.

Once selected, participants were scheduled to meet with me in a private place on an individual basis. Informed consent was utilized to allow the participant to determine their behavior and to maintain cultural values and legal considerations (Frankfort-Nachmias et al., 2015). I expressed the purpose of the study and advise the participant through an informed consent process. The participant received a detailed explanation of the study and its purpose, describe any discomforts and risks that may be expected, outline the benefits of the study, disclose alternative procedures advantageous to the participant, enable the participant to discuss questions concerning the process, and inform the participant of their right to cease and discontinue participation in the study (Frankfort-Nachmias et al., 2015, p. 69).

In addition to the informed consent, the participant was advised, through a predefined narrative, about the constructs of RJ, how its used in criminal cases and its potential impact on the criminal justice system. This predefined narrative informed the participant about RJ precepts and will follow-up with a question and answer session where the participant can seek any necessary clarification.

Within the confines of the established private setting, the participant would become engaged in a semistructured interview process that will be audio recorded using a digital recording device. Generic, predetermined questions were asked with the intent of engaging the participant in conversation concerning the research topic (Saldaña, 2016). These questions centered on whether employing RJ processes would have been received by the participant in their specific criminal case and what motivational factors, if any, would have compelled them to participate. When engaging in a semistructured interview, the interviewer needs to be attentive to the espoused information and able to steer the conversation in the direction of further research value (Rubin & Rubin, 2012).

Immediately following the conclusion of the semistructured interview, the participant was presented with the preconstructed questionnaire to capture necessary demographical information. Sought demographics would include historical information concerning whether motivational factors that impact the willingness of nonviolent and violent ex-offenders to participate in RJ (Research Question 1 and Research Question 2), if there are differences between nonviolent and violent ex-offenders' motivations (Research Question 3), what are the demographic differences between nonviolent and violent ex-offenders' motivations to participate in RJ (Research Question 4), if the ex-

offenders' type of criminal offense impacts their motivations factors to participate in restorative justice (Research Question 5), and if the ex-offenders' frequency of offending influence their motivational factor to participate in RJ (Research Question 6). The questionnaire were incorporate answers that are both nominal and ordinal and included a Likert-scale scale where necessary.

Because participants are being asked to consider historical criminal events they were involved, a counseling service is on hand for those who find the process disturbing and need counseling to cope with the memories of the events. The West Virginia University Medicine United Summit Centers hosts several sites statewide throughout West Virginia ("Office Locations" 2018). The centers focus on providing counseling services to those who seek its services, including 24-hour crisis intervention ("Services," 2018). An emergency visit costs an individual $50.00 ("Fee Schedule," 2018). However, the center operates on a sliding payment scale correlated to the individual's income.

A one-way multivariate analysis of variance, or MANOVA, is an analysis whereby two or more independent variables are analyzed on two or more levels (Green & Salkind, 2014). With the nonviolent and violent categories representative of the two required levels for this analysis, the ex-offenders' demographics gender, age, race, childhood family structure, siblings, number of siblings, current family structure, education level, religious, level of religious activity, religious at the time of the crime, type of crime, and frequency of offending will be assigned as independent variables for the regressive process.

Upon completion of the interview and questionnaire, the participants were thanked for their participation, briefed on the next steps of the study, and encouraged to participate in reviewing the information they provided for accuracy. Participants who successfully complete the entire process were presented with a $50.00 Walmart gift card for their participation in the study. Participants were also informed that they can further assist in the study by making themselves available to review their specific interview transcripts and demographical surveys for accuracy, though, this is not a requirement to receive the gift card. For participants who want to further ensure the accuracy of the study, I met with them in person and conveyed to them, either on paper or electronically, a transcript of their dialogue and asked to review the information for accuracy and clarification. During this meeting, the participant had the opportunity to meet me in person, review the transcript, and articulate any clarification. Contact information was provided to the participant with instructions to contact me by a specific date if they want to review the aforementioned data. Following the conclusion of the study, participants were provided with a straightforward, one to two page summary of the study, its findings, and any initial social change it may have caused.

Qualitative components. With the need to learn about a specific topic a limited number of prepared questions will be constructed with the intent to ask follow-up questions as needed throughout the interview process (Rubin & Rubin, 2012). It is important to carefully obtain, record, and report what was said to maintain accuracy (Rubin & Rubin, 2012). The semistructured interview included questions about the participant's knowledge about RJ, to ask the participants about their willingness to have

participated in RJ activities, question whether the participant would have found RJ applicable in their past criminal case, and determine motivations the participant considered when determining whether they would embrace RJ in their case. The interview was preserved using a digital audio recorder that permits the user to transfer and backup the original data recording. Estimated duration of 1 hour should be sufficient to encapsulate the oral data, which was coded and analyzed using the NVivo software package.

Data Analysis Plan

  Qualitative components. All recorded semistructured interviews were transcribed and the participant permitted to review the transcription for accuracy and corrections. Allowing others to review your data ensures transparency of your research and lends itself to the credibility of the process (Rubin & Rubin, 2012). The qualitative data was then coded for patterns categorically, sub-categorically (when necessary), and developed into themes and concepts to identify asserted theories (Saldaña, 2016). A pattern is an occurrence that appears more than twice (Saldaña, 2016). Rubin and Rubin (2012) explained that, "[d]etail, especially when combined with thoroughness, helps create nuanced understanding" (Rubin & Rubin, 2012, p. 69). The qualitative coding and analysis was completed with the NVivo software package which permitted the organization, analysis of unstructured and qualitative data that was provide insightful information (QSRInternational, n.d.). Ultimately, any determined motivations were organized thematically and implemented into the quantitative MANOVA portion of the mixed-method analysis.

Quantitative components. Quantitative data was obtained through a constructed

questionnaire instrument addressing each of the predefined research questions through

nominal and ordinal selections that will incorporate the Likert-scale where applicable.

Upon the completion of the questionnaire by the participant, I reviewed the information

with the participant for its accuracy. In cases where there are omitted answers,

clarification was sought and documented before the participant's departure. This practice

helped to clean the quantitative data in preparation for input into the Windows-based

Statistical Package for Social Sciences (SPSS) software package.

Collected data was integrated through the MANOVA quantitative process as any

developed motivations examined for correlation with ex-offenders' demographics of race,

childhood family type, current family type, educational level, religious affiliations, types

of criminal offenses, and their rate of criminality, at the two prescribed levels of

nonviolent and violent offenders. The rationale for the MANOVA test centers on the fact

the process allows the researcher to examine multiple independent variables at different

levels (Green & Salkind, 2014), as this proposal is a multifaceted study considering

various independent variables. More importantly, the MANOVA "evaluates whether the

population means on a set of dependent variables vary across levels of a factor or factors"

(Green & Salkind, 2014, p. 200).

The MANOVA analysis was conducted through the SPSS software package,

where dependent and independent variables will be identified and analyzed. The two

levels of nonviolent and violent crimes and any developed motivations will constitute

dependent variables. Demographical data gathered from the participant was identified as

independent variables. The analysis focused on the Wilks' lambda statistical analysis as it is often reported in social science publications (Green & Salkind, 2014). Where significance was determined in the regressive analysis, a follow-up analysis can be conducted by conducting multiple ANOVAs for each dependent variable (Green & Salkind, 2014). If the ANOVA identifies further significance, a *t* test would determine if the population mean is different from a constant (Green & Salkind, 2014, p. 146).

Threats to Validity

While validity differs between qualitative and quantitative research (Creswell & Plano Clark, 2011), it refers to the ability of the researcher to measure their intended data (Frankfort-Nachmias et al., 2015). Validity serves the purpose of checking the quality of data, results, and interpretations (Creswell & Plano Clark, 2011). Within a mixed-method analysis, a convergent validity surrounds the "degree to which the measurement outcomes representing a construct agree" (Teddlie & Tashakkori, 2009, p. 210). However, one threat to validity entails the outgrowth of the variable's nature and its ability for measurement (Franfort-Nachmias et al., 2015, p. 131). To counter this threat, the researcher must supply evidence that an instrument appropriately measures the intended variables (Franfort-Nachmias et al., 2015). Within the qualitative portion of this study, it is necessary to consider what the participant is articulating during the interview and to clarify any phrases or statements that are not thoroughly understood (Rubin & Rubin, 2012). Bringing about clarity from the participants' narratives is paramount to determining and evaluating any potential motivational factors.

Internal validity is the extent to which cause and effect are measurable (Creswell & Plano Clark, 2011). Creswell and Plano Clark (2011) posit to assess the validity of the study, the validity of the instrument must be established. External validity concerns the ability of the researchers to draw an appropriate conclusion that applies to a larger population (Creswell & Plano Clark, 2011; Frankfort-Nachmias, 2015).

Saturation can be achieved in utilizing seven nonviolent ex-offenders and five violent ex-offenders through deviant sampling and identifying commonalities in derived data. Teddlie and Tashakkori (2009) indicate that such deviant cases yield valuable information concerning a topic of interest and provide thought-provoking contrast from case to case (p. 176). Furthermore, the developed questionnaire instrument was tested and evaluated before implementing it within the study.

Issues of Trustworthiness

Reliability surrounds the extent a measuring instrument contains variable errors (Frankfort-Nachmias et al., 2015). Teddlie and Tashakkori (2009) identify that reliability of data finds that the intended data is encapsulated and that measurements are consistent and accurate (p. 209). By encapsulating these concepts I intended to instill reliability into the study.

Triangulation "is the use of multiple methods in a study to see if the findings that emerge from each will converge on a common conclusion" (Frankfort-Nachmias, 2015, p. 170). Mixed-method analyses can facilitate triangulation as a means of determining reliability (Teddlie and Tashakkori, 2009). Identified consistency of data through

multiple collection methods reflects triangulation and the validity of the findings increase (Frankfort-Nachmias et al., 2015).

Data was evaluated to determine if triangulation exists with any developed motivations and if certain demographics are prevalent in any determined triangulations. Qualitative data will be collected first and analyzed for common phrases and themes as a whole, among types of ex-offenders (nonviolent and violent), and individually. Analysis of obtained quantitative demographical information sought commonalities between ex-offender demographics and potentially determined qualitative themes. Identified consistencies would yield reliable and dependable results (Teddlie & Tashakkori, 2009).

Ethical Procedures

As previously described, participants were selected through the self-randomized process of volunteering for the publicized study. To prevent unintentionally complicating legal entanglements with participants, only those applicants who have fully completed their criminal sentence and obligations to the correctional and judiciary systems were permitted to participate. With participants whose cases are fully adjudicated, the Constitutional double-jeopardy right attaches to the participant and newly developed information cannot be used in a new trial.

Every participant's identity remained confidential. Each participant was assigned a unique number referenced throughout the study. As the study progresses, the reference number was used to differentiate participants from one another.

The anticipated developed questionnaire instrument was only sought to acquire necessary demographical information of the selected participant. For example, the type of

conviction was necessary to categorize the participant in a nonviolent or violent section. Details of the participant's criminal activity does not need to be gathered I did not intend to further subcategorize the two predetermined categories.

Each selected participant was advised through an informed consent, the purpose and procedures of the study, discomforts, and risks, potential benefits from the study, alternative procedures advantageous to the participant, offer to answer questions, and their ability to withdraw their consent at any time during the study (Frankfort-Nachmias, et al., 2015). Selected participants who complete the qualitative semistructured interview and quantitative developed questionnaire were awarded a $50.00 Walmart gift card for their participation in the study. Walden University IRB approved the proposal under #04-10-18-0571139.

Summary

Within Chapter 3 the setting and the rationale for the study were explored and the role of the researcher revealed. The mixed-method methodology and instrumentation anticipated for the study were reviewed. Moreover, the procedures for recruiting participants, participation in the study, the process of collecting and analyzing the datum was outlined. Finally, threats to validity, issues of trustworthiness, and ethical procedures were explained. Chapter 4 conveys the analysis and findings of the analysis of the collected data from the semistructured interview and the gathered demographical information.

Chapter 4: Results

Introduction

The purpose of this transformative, mixed-method study was to identify potential motivational differences between violent and nonviolent ex-offenders, concerning their willingness to participate in RJ processes. The study consisted of 12 ex-offenders, six males and six females, aged 25 to 55+ years old. Eight ex-offenders identified as White/Caucasians, two as Black/African Americans, and two as other ethnicities (i.e., one mixed-race and one Hispanic). All 12 participants were from West Virginia.

The study centered on the following six research questions:

Research Question 1: What are the motivational factors that impact the willingness of nonviolent ex-offenders to participate in restorative justice?

Research Question 2: What are there motivational factors that affect the willingness of violent ex-offenders to participate in restorative justice?

Research Question 3: Are there differences in motivational factors between nonviolent and violent ex-offenders?

Research Question 4: What are the demographical differences between nonviolent and violent ex-offenders' motivations to participate in restorative justice?

Research Question 5: Does the ex-offenders' type of criminal offense impact their motivational factors to participate in restorative justice?

Research Question 6: Does the ex-offender's frequency of offending influence their motivational factors to participate in restorative justice?

I developed and piloted qualitative and quantitative instrumentation to capture any potential motivational factors concerning the respondents' participation in RJ processes. Qualitative data were obtained by employing a semistructured interview in which I asked questions concerning the participant's opinion about certain traits used in an RJ process. I amassed quantitative data for the study with a 12-question, demographic survey to determine whether the participant's traits influenced any potentially developed motivations.

In this chapter, I described the applied pilot study and any subsequent changes to the instrumentation. I also expound upon the setting of the data collection and any potential influences. Finally, I outline the relevant participant demographics, the data collection process, qualitative and quantitative data analyses, the trustworthiness of the results, and a summarization of the study.

Pilot Study

I developed and piloted two instruments with three ex-offender participants (i.e., pilot-participants), two males and one female, before commencing the study. The first instrument consisted of nine predefined, semistructured interview questions that were read verbatim to each participant in the same order. The predefined questions were:

1. After committing your crime, if offered the opportunity, would you have agreed to meet with the victim to discuss the crime? Why or why not?

2. Would you have agreed to discuss with the victim the reasons why you committed the crime? Why or why not?

3. Would you have agreed to discuss with the victim the reasons why you committed the crime? Why or why not?

4. Would you have agreed to listen to the victim and how the crime affected them? Why or why not?

5. Would you have agreed to meet with the victim if you were permitted to have a support person with you during this meeting? Why or why not?

6. Would you have agreed to meet with members of the community and speak with them about how your crime affected them? Why or why not?

7. Would you have agreed to discuss options to make the victim whole? Why or why not?

8. Under the traditional criminal justice system, did you feel alienated from society during the criminal justice process? If yes, how? and

9. Do you believe that meeting with the victim and the community, affected by your actions, would have been beneficial in your criminal cases? Why or why not?

I recorded the semistructured interview using a digital recording device and later transcribed and reviewed the participant's responses.

Immediately following the semistructured interview, I asked each pilot-participant to complete a questionnaire constructed with 12 demographic questions. I captured intended data points for gender, race, childhood and current family type, level of education, religious affiliations, types of offenses, and frequency of offending with the quetionnaire. Each participant completed the quetionnaire on their own volition.

Qualitative Instrumentation Assessment

When conducting the semistructured interview with the pilot-participants, I gave attention to the structure of the questions and the pilot-participants' interpretations of the subject through their answer. Each of the pilot-participants articulated answers that elicited information that revealed potential motivational factors surrounding participation in RJ processes. Responses from pilot-participants produced positive and negative motivations, reflecting that the structure of the interview questions were not partial towards an opinion of RJ. Though the proposal suggested that pilot-participants would take approximately 45 minutes to complete the semistructured interview, all three pilot-participants completed the semistructured interview and questionnaire within 20 minutes. Consequently, I did not change any of the questions in this instrument for the study.

Quantitative Instrumentation Assessment

Following the semistructured interview, I presented the pilot-participants with the demographic questionnaire instrument and asked them to complete it by selecting the best answer for each of the questions. The age section had overlapping age ranges. I remedied this error by adjusting the scales so that they did not overlap. Pilot-participants were asked their opinion about completing the questionnaire. All the pilot-participants articulated that other than the confusion on the age ranges, the inquiry was simplistic and straightforward. Other than the editing for the age range discrepancy, I made no other alterations to this instrument.

Setting

When recruiting ex-offender participants, not all were comfortable with the idea of meeting me at the facility and insisted that I meet them at their place of choosing. For instance, one participant requested to meet at a coffee shop, so the meeting took place in a public setting. That participant articulated how they would feel more comfortable in that setting and had no apprehensions about completing the interview in a public environment. Other participants articulated how they would prefer to meet at an office of a church outreach located in their community. While meeting with these participants individually in the church office, there were two instances where an unknown subject had attempted to enter the office, unaware of the interview in progress. The interruptions were remedied by hanging a "do not disturb" sign on the outside of the occupied office door.

By allowing the participants to determine the locale for the semistructured interview, they were more at ease and engaged in the interview. Providing them with the ability to select the location allowed them to be more comfortable and to speak more freely about their opinions as an ex-offender. The participants were able to articulate, their specific criminal incidents and perceptions for participating in an RJ praxis in a comfortable manner.

Demographics

In the proposal, I initially intended to solicit 10 ex-offender participants. However, due to a snowballing effect, 12 were secured for this study ($N = 12$), where six identified as males (50%) and six as females (50%). All the participants were adults with

three (25%) between the ages of 25–34 years old, four (33%) between 35–44 years old, one (8%) between 45–54 years old, and four (33%) 55 years in age or older. Overall, eight (67%) participants identified as White/Caucasian, two (17%) as Black/African American, and two (17%) as other ethnicities. Among the 12 participants, education ranged from no schooling to a doctoral degree. There was one participant (8%) who had no public schooling, four (33%) who held a high school diploma or General Equivalency Diploma (GED), two (17%) expressed having attended college but held no degree, two (17%) reported attaining an associate's degree, one (8%) possessed a master's degree, and one (8%) received their doctoral degree (Table 1). Concerning the type of crime convicted, of the 12 participants, seven (58%) were convicted for nonviolent offenses, and five (42%) were convicted for violent crimes. All 12 participants identified as current and active believers in the Christian faith (Table 1).

Table 1

Participant Demographics

Ex-offender Participant Demographics	Category	N
Gender	Male	6
	Female	6
Age	25-34 years	3
	35-44 years	4
	45-54 years	1
	55+ years	4
Race	White/Caucasian	8
	Black/African American	2
	Other ethnicity	2
Education	No schooling completed	1

	High school diploma or GED	4
	Some college, no degree	2
	Associates Degree	2
	Bachelor's Degree	1
	Master's Degree	1
	Doctoral Degree	1
Religion	Christian	12
Type of Crime	Nonviolent	7
	Violent	5

Data Collection

I offered the participants the opportunity to conduct the semistructured interview and questionnaire in a private room at the facility. Most requested to complete the interview and questionnaire at a place of their choosing. I made accommodations for the participants to suit their request. It was anticipated the semistructured interview would last for an estimated 45 minutes; however, most participants completed the entire process in less than 20 minutes.

I recorded the semistructured interviews using a Sony digital audio recorder with a USB connection for copying digital files to computers. At the conclusion of each interview the digital data were copied over to my laptop, keeping the entire original recording secured on the Sony digital audio recorder to use the copied file for the qualitative analysis through the NVivo software package.

Immediately following the interview, the participant completed a 12-question questionnaire, which averaged a completion time of 5 to 10 minutes. I administered the questionnaire using a paper questionnaire the participant would read and complete. Upon

completion, I gathered the questionnaire, inspected it for completion, and transferred the data into the SPSS software package as nominal variables.

For the qualitative portion of the analysis, I preserved and transcribed the recorded interviews for review through the NVivo software package. For the quantitative segment of the collection, each question in the questionnaire was coded into SPSS as a nominal variable data point. I then reviewed the items from the semistructured interviews and coded the participants initial "yes/no" answers as nominal variables. Positive and negative motives were derived from the qualitative analysis and codified in SPSS as a nominal variable as present or not for each of the participants.

While collecting data, there was only one deviation from the proposal. As I attempted to recruit participants it became evident that many previous offenders were reluctant to participate in the study for fear of uncharged crimes from being detected and potentially becoming known to authorities or other persons. However, when prospective participants inquired if the interview and questionnaire could take place at a location of their choice, the potential participants became more comfortable and agreed to participate. Therefore, the only deviation from the original proposal was to accommodate the participant and afford them the comfort of the environment of their choice for the collection of data.

Two unusual circumstances occurred during the collection of data. At one location of choice by the participant, someone attempted to come into the office space during the interview. The subject did not enter the room because I diverted them from making entry. The interruption disrupted the ebb and flow of the conversation, causing

me to go back and reask the question. In another instance, one participant interviewed at

their place of employment where they were required to monitor two phones for calls. The

participant received two phone calls during the interview, and I paused the recording until

the participant completed their task and resumed the interview. As with the prior

circumstance, I reasked the question of the participant. In both cases, it was plausible that

the participant had developed a thought and then lost track of it with the interruption and

did not convey their original, expanded viewpoint.

Data Analysis

The analysis first began with the qualitative data, identifying motivators, and

conveying this information to the quantitative portion of the study by codifying the

motivators as nominal variables in SPSS. A MANOVA analysis was conducted to

identify any potential significance. I conducted further analysis through an ANOVA and

independent-samples *t* test process for variables suggesting significance.

Qualitative Components

The qualitative portion of this study intended to determine if motivations existed

among ex-offenders for participating in RJ processes. I sought to elicit both positive and

negative motivations from ex-offenders. Identified motivations became a singular

dependent variable to analyze for any variance amidst the population means against the

demographic variables obtained during the quantitative portion of the study. The

qualitative piece of the study sought to determine:

Research Questions 1: What are the motivational factors that impact the

willingness of nonviolent ex-offenders to participate in restorative justice?

Research Question 2: What are the motivational factors that impact the willingness of violent ex-offenders to participate in restorative justice?

Research Question 3: Are there differences in motivational factors between nonviolent and violent ex-offenders?

I assembled the qualitative data through individual semistructured interviews with each of the participants from various locations in West Virginia. Ex-offenders were explicitly sought due to their status as convicted offenders who enjoy the benefits of the double-jeopardy clause in the Fifth Amendment of the U. S. Constitution and could speak more freely about their offense as it pertained to the identified traits of restorative justice. Each participant was scheduled to meeting for an interview that lasted no longer than 20 minutes, followed by a quantitative questionnaire that took an estimated 10 minutes for completion. The demographics of the participants were previously described earlier in this chapter. The only persons involved in each of the interviews were the participant and the researcher.

In each instance, the participants provided consent to digitally record the semistructured interview, which was later transcribed by myself. During the first transcription, the transcript was copied verbatim. I inspected each transcript for accuracy, making a corrected second version. From the second version, I generated a third version by redacting communicative language not frequently used in writing formats. For instance, phraseology such as "um," "ah," and "you know" was removed from the transcription, providing a final version for analysis. There was a specific set of questions that guided the semistructured interview through this portion of the study (Appendix A).

The process of open coding was utilized to encapsulate the derived motivations. With the assistance of the NVivo 11 software package, each participant's answers to the semistructured interview were analyzed and coded into keywords utilizing the node feature of the software package. Each sentence was examined and in some instances were noted to attribute to more than one determined keyword. Upon completion of analyzing each sentence from the participants, I assembled keywords into common themes and amassed common themes into major themes. For instance, one participant articulated the need to apologize to the victim for their actions while another participant expressed an interest in being sorry for committing their offense. I assimilated these two common categorical ideas into one major theme of 'apologetic.'

Responses from participants that later developed into themes through the qualitative analysis did not always arise from the same semistructured question. For example, when asking the first semistructured interview whether the participant was willing to meet the victim of their crime, several articulated a need to apologize. However, for some participants, the need to apologize did not surface in the interview until later in the conversation. Therefore, developed themes from this analysis may have originated from any portion of the interview, but were eventually categorized together based on the contextual substance of participants' dialogue.

Through the qualitative analysis, six specific motivations were identified as their frequency in repetition in the study attained the higher levels. Based on the number of references followed by the number of sources, these motivations included (a) concern for their reputation, (b) understanding the impact of their crime, (c) explanation of actions,

(d) making the victim whole, (e) apologizing to the victim, and (f) apathy towards the victim (see Table 2).

Table 2

Identified Motivations from Ex-Offenders

Motivation	References	Participants	Nonviolent	Violent	% of *N*
Concern for reputation	20	11	6	5	91.67%
Impact of crime	16	10	5	5	83.33%
Explanation of actions	16	8	4	4	66.67%
Making victim whole	13	9	6	3	75.00%
Apologizing to victim	13	7	3	4	58.33%
Apathy towards victim	10	5	3	2	41.67%

The first developed motive was concern for the ex-offender's reputation.

During the interview, 11 of the 12 (91.66%) participants articulated in 20 different instances a sense of concern about how their role as the offender in the crime would impact their reputation. Of the participants reflecting this motivation, five were violent offenders, and six were nonviolent offenders. One nonviolent offender, adjudicated on a drug trafficking charge, did not reflect concepts of this motivation. The participants' perspectives surrounding their reputation varied. Some expressed concern with obtaining employment after their sentence, while others voiced apprehension about community members' perspective about them. In one instance, the participant expressed direct concern about others' perceptions of them. The participant indicated: "People talking about you, talking behind your back. You go to the library, and the librarian is afraid to give you a book, especially in a small community." Another nonviolent ex-offender participant stated: "…I would want them to know that I'm not a violent person. I would want to clear my name," while another proffered "I'm not a monster." Another

participant communicated how their reputation could impact their ability to obtain gainful employment: "There is a lot of people that…don't care what you've done since then. I mean, a lot of employers, they just, that's the end of the road whether you're qualified, whether it affects the type of work you're seeking." One violent crime participant, charged with a sexual assault, worried about whether the victim would be truthful about the facts of the case in a restorative dialogue setting. They stated, "I would just want to know what they *would* say, is what I'm saying." Concerned about the stigmatization of being labeled a criminal, another participant stated: "After you're broadcasted on the news for a drug crime…you are kind of labeled." Another participant expressed, "I was all over the news, and it affected my kids and their sports, so people couldn't believe that I was in that situation and it was really traumatizing for my family."

The analysis of the individual statements by the participants exhibited the individualistic specificity of the participants' concerns regarding their reputation. However, there is an overarching theme of the participants' reputation and how the ex-offender will cope with the stigmatization of the label during an RJ process and among the community. While the participants acknowledged their wrongdoing, the reputation theme reflects consequential concerns about their ability to get past the criminal event and return to society as an equitable member.

The second developed motive concerned the impact of the crime. In addition to expressing concern for maintaining the ex-offender's reputation, 10 of 12 participants (83%) voiced an interest in dialoguing with the victim to understand the impact of their crime. When examining the differences between the offender types of the 10 participants

reflecting this motive, five (50%) were nonviolent, and five (50%) were violent offenders.

Participants reflected a genuine concern about how their crime had impacted their victim. Most participants were able to describe how through the traditional justice system they were familiar with the impact of their offense through the ordinary losses documented and addressed through the conventional method (i.e., monetary losses, medical bills, incurred expenses, etc.). However, during the interview, some participants described a need to know that the victim's psyche and well-being were uninjured by explaining the importance to ensure the victim had received appropriate therapy or counseling where needed. Another participant articulated how they wanted to know the corollaries and "reality" of their crime in how it affected the victim. A different participant articulated these same sentiments to understand how it affected the victim's life. The same participant further considered how their actions would cause the victim to perceived people in the future, by verbalizing, "I would want to do that and how it really affected their life and changed them the way they might see people or change the way they think about folks; they are not able to trust people in life."

Early in this analysis self-perspective emerged as a theme. A nonviolent participant described how hearing the victim describe the impact of the crime would have established a more explicit point of view as to their role as the offender and further contemplated how that information would have helped them focus on the differences of right and wrong conduct. Consequently, this same participant indicated that they would have been less likely to portray themselves as the victim of ill-circumstances.

Speaking to the empathy for the victim's state of well-being, a violent ex-offender

participant stated, "Then I would have [known]…if she has anything bottled up to where

she might be helped." This same participant went on to describe how they would have

liked to have known "how offended" the victim was at the offense, and how much they

had "hurt them." The concern around the victim's physical well-being continued

throughout the study with other interviews. A nonviolent participant who was a drug

trafficker/dealer articulated how though they had sold drugs to a person, and they had

gone their way; he had "hoped that nobody really got hurt."

While the 10 participants reflected consistent motivations to hear how their crime

impacted the victim and to ensure the victim had received necessary services for their

mental state, one violent ex-offender went further to express an interest in making

everything right between them and the victim. That ex-offender indicated,

> Because I would want to know how it made him feel and how I affected him
>
> emotionally, because…I would need to know. I just would want to know how I
>
> made him feel and what I could do to make it right.

The emerged concept from this participant segues into the next most developed theme of

the desire to right their wrong and to make the victim whole.

The third developed motive was the explanation of actions. Finding a need to

explain their crime, 8 of 12 participants (67%) articulated the need to convey this

information to the victim. Or, in the words of one participant, to "explain to them what

brought me to that part of my life." Interestingly, four nonviolent participants (50%) and

four violent participants (50%) articulated these interests equitably. Notably, in analyzing

this motive, three different reasons emerged within the explanatory theme: (a) wanting to provide a general explanation to have their voice heard, (b) explaining how their addiction drove their crime, and (c) to maintain a relationship.

The participants expressed a need to speak with the victims of their crime and explain why they committed the offense as a matter of just communicating their point of view and having their voice heard. For instance, one participant simply said, "They understood my point of view." One participant not only explained this need to explain their point of view but also described how completing this task would bring them relief. The said:

> I wanted to show them and tell them what I did was wrong and to let myself know that what I did was wrong. I knew what I did was wrong, but…to get…the weight off my shoulders.

A nonviolent participant reflected how they believed by explaining their actions would have helped all stakeholders involved to better understands each other's perspectives. The participant cited how providing this explanation would better help them as the offender understand why people are "anti-helping people that need the help." Through this concept, the participant believed that equity would be brought about for the offender.

During the interviews, some of the participants described how perpetuating their crime because of the need to satisfy their additions to drugs or alcohol. These participants reflected how their addictions compelled them to commit acts they would not usually commit when sober. One participant described their addition as a disease and stated:

It would be very important for her to hear that I had a disease of addiction. That this disease, the disease of addiction takes a hold of you and takes you to a point in your life and it makes you do things that you normally wouldn't do if you wasn't under the influence of any kind of drug or alcohol.

Two other participants centered their need to explain their actions on their issue with addiction. One participant indicated how they wanted to justify their actions because "it wasn't who I really was. That wasn't me, but it was. I was under the influence, and I would have never did it sober." Another participant described, "I would want them to know that it was because that I had a drug habit."

The third reason for explaining their crime focused on the existing relationship between the participant and their victim. For instance, one nonviolent participant simply articulated, "because he was like a friend of a friend, kind of a family member" as the purpose for wanting to explain their criminal conduct towards the victim. A violent participant convicted of a sex offense (described as a consensual act but statutorily criminal), explained how his stigmatization could have been relieved by stating, "[i]f we would have all meet together they would have heard…how it started and everything on her part and on my part…and it would have made things different."

Another violent participant, convicted of attempt murder of a life-long friend, described:

[O]ne reason is the victim, and I were friends for 28 years prior to the crime. My crime consisted of hurting someone, and I wanted to apologize for that and explain my part in it and to let her know how very sorry I was.

This participant then went on to express concern about how to complete the dialogue about the incident without the two parties placing blame on one another.

The fourth developed motive concerned making the victim whole. Wanting to make the victim whole emerged with nine participants (75%), of which six (67%) were nonviolent ex-offenders and (33%) were violent ex-offenders. Several participants denoted the need to make amends and to make the victim whole, even afore their conviction. A nonviolent participant explained how they attempted to reach out to the victim of their crime during the investigation and before their arrest for the offense. They stated, "I did reach out…after I was investigated the first day when they came to my house." Along with this same threaded theme, another participant stated, "I offered— even before I was even convicted and plead guilty—I offered to pay back."

Other participants articulated empathy for the victim's loss and described an obligation to make repairs; they indicated "it would be their loss where I should have to pay it back." Another participant proffered the need to "relieve their situation." One participant, charged with tax evasion, explained how using the RJ process as a conduit for dialogue may have even made the process of paying their back-owed taxes easier. That participant described, "it would have made my life a lot easier and ironing out some of the details with restitution."

Another participant, charged with burglary, described a positive relational value after they met the victim on their, own volition, years after the crime. This participant explained how they were convicted of their offense in the late 1980s and served time. After serving a jail sentence and being released (circa 2015), the participant learned the

victim had opened a second store in his neighborhood, and they went to make amends with the victim. After meeting with the victim and offering to compensate them for the damages, the victim articulated how no restitution was needed, and the two have become friends with one another.

One violent participant articulated how making the victim was the right thing to do, and stated:

I would want to make things right because I'm a Christian and I just think that would be the right thing to do—whether it's a community service—whatever will make the victim whole, or whatever it takes I would do. I mean, that's just who I am today.

The fifth developed motive centered on apologizing to the victim. The fifth emerging theme from the semistructured interview concerned the participant's desire to apologize to their victim for their offense. A total of seven participants (58%) of which three were nonviolent (43%) and four were violent (57%) ex-offenders, communicated the need to apologize to their victim. In analyzing the contextual content of the apologetic theme, participants tended to expound on not only wanting "just to apologize," but in some instances reflected how their actions must have impacted the victim and they wanted to convey an apology. For instance, one participant described, "Because I'm sure that it had to affect that person. It probably traumatized that person." Another expressed the need to apologize to "[s]ee how offended he was." Of interest was the fact that none of the participants demonstrated any desire to explain away their actions. One participant encapsulated this absent notion by stating, "…not explain away but to tell her how very

sorry I was and how terrible that she and I were in that situation and how I wished that it

had never happened."

In all, the participants articulated a general overall sense of a need to apologize to

the victim in general terms. For example, one participant expressed, "[b]ecause I was

sorry for what I did, and I wanted to talk to them about what happened and why I did it."

Another expressed, "[b]ecause, I'm the type of person I like to do unto others as they do

unto me, and if they were wronged, I would like to make amends and apologize."

Two participants described positive consequential benefits with offering a sincere

apology. One participant explained how beneficial it would be for the victim to hear the

apology and how the ex-offender was no longer using drugs, by stating:

> I was sorry for what I did because, I can't change or turn back the hand of time,
>
> but I could make my future much brighter by not using or picking up drugs, and
>
> that it would be very beneficial for her to hear that.

This theme further developed with another participant who described how they had taken

the initiative to apologize to their victim in spite of the traditional court system's

requirement to avoid contact with the victim. This participant recalled, "He wrote me a

letter. He's a Christian man, so he forgave me. The system might not have, but he did."

The sixth and final motive developed was apathy towards the victim. The

sixth most prominent theme that developed during this qualitative analysis concerned

apathetic viewpoints towards the victim. During the interview 5 of the 12 participants

(42%) articulated some sense of apathy towards their victims. Of the five participants

expressing this sentiment, three were nonviolent (60%), and two were violent (40%) ex-

offenders. Speaking more specifically towards the descriptive statistics of this group of participants, of the three nonviolent participants, two were convicted drug offenders and one was convicted for tax evasion, while the two violent ex-offenders were convicted for a robbery and a sex offense individually.

It is important to note that these five ex-offenders exhibited to some degree, one or more of the aforementioned positive motivations. For instance, one-violent offender displayed a concern for their reputation (Motive 1) but did not present any attributes for the remaining identified motives, other than apathy toward the victim. A nonviolent participate demonstrated a concern for their reputation, wanting to understand the impact of their crime, and a desire to explain why they committed their crime. This participant, convicted of tax evasion, expressed frustrations with the victim (Internal Revenue Service, IRS) with apathetic attitudes.

The dialogue that surfaced from this portion of the qualitative analysis was noted to be centralized on not wanting to engage with the victim or the community affected by their criminal conduct. One violent participant, convicted of a sex offense, articulated their lack of desire to engross the victim "[b]ecause more than likely she lied under oath. I just wouldn't want to confront her; just wouldn't want to have nothing to do with her." The nonviolent participant charged with tax evasion expressed concern about stigmatization. They stated, "I feel like the community is more judgmental as a whole. I feel like there is a lot of presumptions made about people who are convicted of crimes, that they…stigmatize people." Another nonviolent offender simply articulated their

perception of themselves as being the 'good guy' and having no desire to speak with the victim of their crime by saying:

> Because my main objective was that I didn't have nothing to do with that kind of I didn't want to be involved, if I got away with something I wanted to make sure I got away with it and I wasn't going to participate, as far as I was concerned…I was the good guy.

> Of interest was a dialogue that developed with nonviolent participants convicted of drug offenses. One participant carried the developed theme that drug offenders were not emotionally connected to the victims of their crime in any capacity due to the mind-altering state of mind they were experiencing at the time of their criminal activity. For instance, one participant revealed:

> And if I was still on drugs, I would not want to face anybody and talk to them about that. At the time I probably wouldn't have even realized, at the time I probably would have felt like I was the victim.

Other Potential Themes

In addition to the said six motivations, three more motives emerged as well, but without the frequency as the others. The motives that developed from the semistructured interview included (a) the desire of the ex-offender to have support person present during the RJ process, (b) the desire to have the RJ mediation to for the purposes of moderating the conversation, and (c) a hope that the court would have exercised more leniency when dispensing of traditional court sentences. These motivations were not included in the

analysis of this study for several reasons. I observed a drop in frequency between the first

six motivations above and these three motivations. Additionally, though all the

previously emerged topics warrant further idiosyncratic research, these three topics

require more in-depth qualitative analysis as they currently cover broad content with little

context. For instance, concerning the desire to have the RJ mediation moderate the

conversation, some participants proffered an explanation for safety, others expressed a

desire to ensure factual accuracy of the case, while others suggested the discussion be

used to hash out what did or did not happen during the course of their crime. Finally,

further exploration of these 3 emerged motivations reached well beyond the intent of this

study.

Expressions concerning the need of a support person present during the RJ

process. Of the 12 participants in the study, six (50%) made six references expressing an

interest in having a support person—a family member, friend, priest, counselor—present

with them at a proposed meeting with the victim to help ensure they had expressed all

their thoughts and feelings concerning the incident. One participant summed up these

sentiments in their statement:

> It would have been somebody to lean on. I mean, to help you, if you needed
>
> anything to remember or you needed to talk to somebody else during the situation
>
> that knows you a little better than me. The back-up probably feels good; if it gets
>
> too pressuring or too heavy.

Another participant simply noted, "[b]ecause, it could help us both." When participants

spoke about this topic, they indicated anticipation of nervousness and concern about

forgetting to say something they felt would need to be told. In all, the participants in which this motivation emerged, explained that a support person would be beneficial.

Articulation of mediation to moderate the conversation. This motivation only emerged with two participants (17%) and was referenced six times among the two interviewees. The primary concern arose with one violent participant (sexual offense) was whether the victim would be truthful about the facts surrounding the incident. The participant described a consensual sexual act in which the victim was underage, and the victim documented the encounter in a personal diary. However, this participant indicated that the victim testified contrary to the journal and lied under oath during the traditional court proceeding and sought to elicit the truth through an RJ process dialogue through the totality of the evidence.

The need for leniency during sentencing. Regarding the motivation of seeking clemency for their sentencing by participating in an RJ process, three of the 12 participants (25%) submitted made five references of dialogue on how the judge would consider these actions favorable on behalf of the defendant and would likely consider it during the sentencing phase of the traditional court proceeding for their case. This information stemmed from the final question of the semistructured interview: Do you believe that meeting with the victim and the community, affected by your actions, would have been beneficial in your criminal cases? These participants consistently offered how this motivation would reflect their remorsefulness for their offense and would have probably changed the disposition of their situation. One participant explained, "it would

probably have shown the judge that I was not as cold of a person," while another

described "it would have to be worth something in [the judge's]…guidelines."

It is evident these three subsequent motivations require more exploration and

research. Though they do not delve into a high percentage of significance towards the

intent of identifying motivations for ex-offenders to participate in RJ praxis, they are

indeed areas of interest that should be further explored through the rigors of research as

RJ evolved with implementation in violent crimes.

Qualitative Summary

The summation of the qualitative segment of this mixed-methodological study

started with a semistructured interview of nine pre-defined questions that asked 12

different ex-offender participants. With the participants' permission, each interview was

digitally recorded with an audio recording device and later transcribed into a word

document for importing into the *NVivo* 11 analytical software. The analysis of the

participants' statements saw six motivations (five positive and one negative) emerge from

the content of the participants. The six motives identified at this juncture of the study

were (a) concern for their reputation, (b) understanding the impact of their crime, (c)

explanation of actions, (d) making the victim whole, (e) apologizing to the victim, and (f)

apathy towards the victim. The motivations were ordered according to the number of

references made followed by the number of sources making the reference. The chapter

has expounded up each of these motivations and further identified three more potential

motives that may be researched in the future. The additional motives were: (a) to have

support person present during an RJ process, (b) RJ mediation to moderating the RJ

process dialogue, and (c) the possibility of leniency during traditional court sentences.

For this study, the first six motivations are considered to become 6 distinct

dependent variables, which were used in conjunction with the demographic questionnaire

implemented in the quantitative portion of this study. The next section will outline the

quantitative analysis conducted in this study.

Quantitative Components

The quantitative analysis utilized the six derived qualitative motivations as DVs

and analyzed them against the independent variables (IV) established through the

demographic questionnaire completed after the semistructured interview. The dependent

variables were derived from the qualitative analysis which identified six primary motives

from the ex-offender participants. The motivations were defined as the following

dependent variables: (a) concern for their reputation (Motive 1), (b) understanding the

impact of their crime (Motive 2), (c) explanation of actions (Motive 3), (d) making the

victim whole (Motive 4), (e) apologizing to the victim (Motive 5), and (e) apathy towards

the victim (Motive 6). Each motive variable was identified at two levels, present and not

present, for this analysis.

A 12-question demographic questionnaire defined the IVs as gender, age, race,

childhood family structure, siblings, number of siblings, current family structure,

education level, religious, level of religious activity, religious at the time of the crime,

type of crime, and frequency of offending. With the limited number of participants ($N =$

12) SPSS would not tabulate statistical calculations and failed to yield any statistical data

when the MANOVA analysis incorporated all the DVs and IVs simultaneously.

Therefore, the researcher completed the SPSS analysis by grouping like IVs with one

another for analysis. The clusters of IVs included gender, age, and race as one grouping;

childhood family structure, siblings, number of siblings, and current family structure as

another grouping; the level of education was analyzed singularly; religious, level of

religious activity, and religious at the time of crime variables were examined together;

and the type of crime and the frequency of offending were grouped together. Even so,

when conducting the SPSS analysis in these groupings, statistical analysis in certain

instances would not render. Specifically, when performing the MANOVA with childhood

family structure and Motive 1, siblings and Motives 1, 2, 3, 4, 5, and 6, and current

family structure and Motives 1, 2, 3, 4, 5, and 6. The researcher conducted an

independent-samples t test among the variables, respectively to examine these portions of

data.

In completing the MANOVA analysis, the analysis employed several measures.

For the model, the custom main effect model was utilized as the full factorial interaction

model tended to freeze the SPSS program or fail to yield any statistical analysis. The

researcher utilized the LSD and Tukey HSD post hoc test during this analysis. Finally,

optional statistical data included descriptive statistics, estimates of effect sizes, observed

power, parameter estimates, and homogeneity tests were inclusive in the SPSS analysis.

Gender, age, race, and motives. Hypothesis: There is no influence by the

demographical factors of an ex-offender's gender, age and race towards their motivations

for participating in restorative justice praxis. The demographical composition of the

participants was encapsulated through the questionnaire. Of the 12 participants (*N*=12)

six (50%) identified as males and six as females (50%). The age was recorded in ranges,

documenting three participants (25%) 25 – 34 years of age, four participants (33%) 35 –

44 years of age, one participant (8%) 45 – 54 years of age, and four participants (33%) 55

years of age or older. Concerning race, eight participants (67%) identified as White, two

(17%) as Black, one (8%) as Hispanic, and one (8%) as mixed-race.

A one-way multivariate analysis of variance (MANOVA) was conducted to

determine the effects of three types of demographical factors (gender, age, and race) on

the six derived motivations. In analyzing gender, significance was not identified among

the three demographical factors and six motivation, Wilks's Λ = .245, $F(5, 1)$ = .618, $p >$

.05, ns. The demographics of age also did not note any significance with the six

motivations, Wilks's Λ = .026, $F(15, 3)$ = .582, $p > .05$, ns. Additionally, the

demographical factor of race did not demonstrate significance with the six motivations,

Wilks's Λ = .080, $F(10, 2)$ = .335, $p > .05$, ns. *F* was noted to be ab exact statistic

concerning race. *Levene's Test of Equality of Error Variance* reflected no potential

significance.

An analysis of variance (ANOVA) on the dependent variables was completed as

follow-up to the MANOVA analysis. The ANOVA analysis was conducted at the 0.25

level. The ANOVA on gender with Motive 1 was nonsignificant, $F(1, 5)$ = .233, p = .650,

η^2 = .04; Motive 2 was nonsignificant, $F(1, 5)$ = .038, p = .853, η^2 = .008; Motive 3 was

nonsignificant, $F(1, 5)$ = .299, p = .608, η^2 = .056; Motive 4 was nonsignificant, $F(1, 5)$ =

.164, p = .702, η^2 = .032; Motive 5 was nonsignificant, $F(1, 5)$ = 1.197, p = .324, η^2 =

.193, and Motive 6 was nonsignificant, $F(1, 5)$ = .877, p = .392, η^2 = .149.

The ANOVA on age with Motive 1 was nonsignificant, $F(3, 5)$ = .297, p = .827,

η^2 = .151, *motive 2* was nonsignificant, $F(3, 5)$ = .516, p = .689, η^2 = .237, Motive 3 was

nonsignificant, $F(3, 5)$ = 4.074, p = .082, η^2 = .710, Motive 4 was nonsignificant, $F(3, 5)$

= .999, p = .465, η^2 = .375, Motive 5 was nonsignificant, $F(3, 5)$ = 1.494, p = .324, η^2 =

.473, and Motive 6 was nonsignificant, $F(3, 5)$ = .717, p = .583, η^2 = .301.

The ANOVA on race with Motive 1 was nonsignificant, $F(2, 5)$ = .183, p = .838,

η^2 = .068, Motive 2 was nonsignificant, $F(2, 5)$ = .964, p = .443, η^2 = .278, Motive 3 was

nonsignificant, $F(2, 5)$ = 1.033, p = .421, η^2 = .292, Motive 4 was nonsignificant, $F(2, 5)$

= 1.001, p = .431, η^2 = .286, Motive 5 was nonsignificant, $F(2, 5)$ = .616, p = .577, η^2 =

.198, and Motive 6 was nonsignificant, $F(2, 5)$ = 2.163, p = .210, η^2 = .464.

An LSD post hoc analysis to the ANOVA was not computed for gender because

there were less than three groups for analysis and was not calculated for age because one

group captured less than two cases. An LSD post hoc analysis for race demonstrated no

significance between the participant's race and derived motives (p > .05). Due to

nonsignificant observations with demographics of gender, age, and race as analyzed with

the derived motives, independent-samples *t* tests were not performed.

Childhood family structure, siblings, number of siblings, current family structure,

and motives. Hypothesis: There is no influence by the demographical factors of an ex-

offender's childhood family structure, siblings, number of siblings, and the current family

structure towards their motivations for participating in restorative justice praxis. A one-

way MANOVA was conducted to determine the effects of three types demographical

factors (childhood family structure, siblings, number of siblings, and current family

structure) on the six derived motivations. Concerning the childhood family structure and

number of siblings IVs, statistical calculations were able to be completed. However, due

to the limited number of participants ($N = 12$) and the responses unable to cover the

available responses in the questionnaire, there was insufficient data to complete a

MANOVA or ANOVA analysis around the siblings and current family structure IVs. A

MANOVA and ANOVA analysis were completed for the childhood family structure and

number of siblings, yielding no significance to warrant an independent-samples t test for

those IVs. However, concerning the siblings and current family structure, only an

independent-samples t test was completed to analyze for the potential of significance.

A MANOVA was conducted to determine the effects of three types of

demographical factors (childhood family structure and number of siblings) on the six

derived motivations. In analyzing childhood family structure, significance was not

identified among the demographical factors and six motivation, Wilks's $\Lambda = 1.0$, $F(1, 1)$

$= .000$, $p > .05$, ns. Concerning the IV of number of siblings, there was no significance

Wilks's $\Lambda = 1.0$, $F(1, 1) = .814$, $p > .05$, ns.

An ANOVA analysis was conducted on the dependent variables as follow-up to

the MANOVA analysis. The ANOVA analysis was conducted at the 0.25 level. The

ANOVA on childhood family structure with Motive 1 yielded no statistical calculation;

Motive 2 was nonsignificant, $F(1, 1) = .000$, $p = 1.0$, $\eta^2 = .000$; Motive 3 was

nonsignificant, $F(1, 1) = .000$, $p = 1.0$, $\eta^2 = .000$, Motive 4 was nonsignificant, $F(1, 1) =$

.000, $p = .500$, $\eta_c^2 = .500$; Motive 5 was nonsignificant, $F(1, 1) = 1.0$, $p = 1.0$, $\eta_c^2 = .000$;

and Motive 6 was nonsignificant, $F(1, 1) = .000$, $p = 1.0$, $\eta_c^2 = .000$.

   While these two IVs did not produce significance, I conducted an independent-

samples t test for the IVs of siblings and current family structure as compared to the six

derived motives. Assuming the null hypothesis (equal variance assumed) the t test was

nonsignificant childhood family structure and Motive 1, $t(10) = .551$, $p = .593$, where

95%confidence interval of the difference ranged from -2.764 to 4.582, siblings and

Motive 1, $t(10) = .289$, $p = .779$, where the 95% confidence interval of the difference

ranged from -.611 to .793. In analyzing Motive 2 under the assumption of equal variance

was nonsignificant, $t(10) = -1.491$, $p = .167$, where the 95% confidence interval of the

difference ranged from -.624 to .124. Continuing with the assumption of equal variances,

there was significance with the DV Motive 3 and IV siblings, $t(10) = -2.887$, $p = .016$,

where the 95% confidence interval of the difference ranged from -.886 to -.114. Motive 4

was also nonsignificant under the assumption of equal variance, $t(10) = -1.208$, $p = .255$,

where the 95% confidence interval of the difference ranged from -.569 to .169. Likewise,

under the assumption of equal variance, Motive 5 was nonsignificant, $t(10) = -1.936$, $p =$

.082, where the 95% confidence interval of the difference ranged from -.717 to .050.

Finally, Motive 6 used a presumption of equal variance and was noted to be

nonsignificant, $t(10) = 1.208$, $p = .255$, where the 95% confidence interval of the

difference ranged from -.169 to .569.

   In analyzing current family structure with the six derived motives the null

hypothesis (equal variance) was assumed, and the t test for this IV in relation to the

means for Motive 1 was nonsignificant, $t(10) = -1.047$, $p = .320$, where the 95%

confidence interval of the difference ranged from -5.687 to 2.051. With Motive 2 this IV

was noted to be nonsignificant, $t(10) = .758$, $p = .566$, where the 95% confidence interval

of the difference ranged from -2.973 to 1.723. Motive 3 was also nonsignificant, $t(10) =$

.466, $p = .566$, where the 95% confidence interval of the difference ranged from -1.939 to

3.939. Motive 4 was also nonsignificant, , $t(10) = .223$, $p = .828$, where the 95%

confidence interval of the difference ranged from -2.050 to 2.508. Motive 5 proved

nonsignificant, $t(10) = .784$, $p = .451$, where the 95% confidence interval of the

difference ranged from -1.636 to 3.414. Finally, Motive 6 proved nonsignificant, $t(10) =$

.110, $p = .913$, where the 95% confidence interval of the difference ranged from -2.169 to

2.398. Due to there being fewer than two nonsingular cell matrices present in this portion

of the statistical analysis, the means and standard deviation error could not be calculated.

Level of education and motives. Hypothesis: There is no influence from the

demographical factor of education level towards the motivations for participating in

restorative justice praxis. The participants had proved to provide a diverse range of

educational planes. All 12 of the participants identified with some level of education

which ranged from no schooling completed to a doctoral degree. One participant (8%)

described having no schooling. Four participants (33%) marked having attained a high

school diploma or GED. Two participants (17%) had some college but had not achieved

any degrees. Two participants (17%) had completed an associate degree, while three

individual participants each (8%) had acquired bachelors, masters, and doctorate each.

A one-way MANOVA was conducted to determine the effects of one type demographical factors (educational level) on the six derived motivations. The analysis yielded no significant findings regarding the educational level influencing the derived motivations, Wilks's $\Lambda = .061$, $F(18, 9) = .843$, $p > .05$, ns.

An ANOVA on the dependent variables was completed as follow-up to the MANOVA analysis. The ANOVA analysis was conducted at the 0.25 level. The ANOVA on education level with Motive 1 was nonsignificant, $F(6, 5) = .694$, $p = .668$, $\eta^2 = .455$, Motive 2 was nonsignificant, $F(6, 5) = .944$, $p = .536$, $\eta^2 = .531$, Motive 3 was nonsignificant, $F(6, 5) = 1.019$, $p = .502$, $\eta^2 = .550$, Motive 4 was nonsignificant, $F(6, 5) = 1.111$, $p = .464$, $\eta^2 = .571$, Motive 5 was nonsignificant, $F(6, 5) = .667$, $p = .684$, $\eta^2 = .444$, and Motive 6 was nonsignificant, $F(6, 5) = 2.407$, $p = .177$, $\eta^2 = .743$.

An LSD post hoc analysis to the ANOVA was not computed for the educational level because one group captured less than two cases. Due to nonsignificant observations with demographics of education level as analyzed with the derived motives, independent-samples t tests were not performed. Table 6 contains the estimated marginal means and standard error for the education level.

Religion, level of religious activity, religious at the time of crime and motives. Hypothesis: There is no influence from the demographical factors of religion, level of religious activity, and religious at the time of crime towards the motivations for participating in restorative justice praxis. All 12 participants (100%) identified as currently subscribing to the Christian religion. Therefore, because the religion IV only contained one level for analysis, a MANOVA analysis could not be conducted. However,

analyses surrounding the level of religious activity and whether the participant was religious at the time of their crime could be completed. While all participants identified as Christians, four (33%) articulated as being active several times a day with religious activities, two (17%) were only active in their faith once a day, four (33%) were active several times a week, one (8%) was engaged a few times a month, and one (8%) identified as being religious but not engaged in their rituals. Concerning whether participants were religious at the time of their crime, four (33%) identified as being religious at the time of their crime when eight (67%) expressed converting to their religion after their criminal offense.

The researcher could only conduct a MANOVA analysis with two of the three types of demographical factors (level of religious activity and religious at the time of the crime) in relation to the six derived motivations. Because all 12 participants identified as Christians, the religious grouping contained less than two levels and excluded from the analysis. Nonetheless, the level of religious activity and religious at the time of the crime were analyzed, yielding the following information. Concerning the level of religious activity no significance was identified, Wilks's $\Lambda = .421$, $F(12, 11) = .350$, $p > .05$, ns.

An ANOVA analysis was conducted on the dependent variables was completed as follow-up to the MANOVA analysis. The ANOVA analysis was conducted at the 0.25 level. The ANOVA on *level of* religious activity with Motive 1 was nonsignificant, $F(4, 6) = .250$, $p = .900$, $\eta^2 = .143$, Motive 2 was nonsignificant, $F(4, 6) = .317$, $p = .857$, $\eta^2 = .175$, Motive 3 was nonsignificant, $F(4, 6) = .221$, $p = .917$, $\eta^2 = .128$, Motive 4 was nonsignificant, $F(4, 6) = .975$, $p = .486$, $\eta^2 = .394$, Motive 5 was nonsignificant, $F(4, 6) =$

.882, p = .527, η^2 = .370, and Motive 6 was nonsignificant, $F(4, 6)$ = .490, p = .744, η^2 =

.246.

The ANOVA on religious at the time of crime with Motive 1 was nonsignificant,

$F(1, 6)$ = .000, p = 1.0, η^2 = .000, Motive 2 was nonsignificant, $F(1, 6)$ = .231, p = .648,

η^2 = .037, Motive 3 was nonsignificant, $F(1, 6)$ = .353, p = .574, η^2 = .056, Motive 4 was

nonsignificant, $F(1, 6)$ = .300, p = .604, η^2 = .048, Motive 5 was nonsignificant, $F(1, 6)$ =

.353, p = .574, η^2 = .056, and Motive 6 was nonsignificant, $F(1, 6)$ = .231, p = .648, η^2 =

.037. An LSD post hoc test was not performed on religious affiliation and *religious at the*

time of crime because both IVs had fewer than three groups. The LSD post hoc test was

not shown on the *religious activity* since one group had fewer than two cases.

Levene's Test of Equality of Error of Variance suggested that error variance was

not equal among the null hypothesis of the dependent variables across the groups with

religion, level of religious activity, and religious at the time of the crime. Results, as they

relate to Motive 2 (p = .011), 4 (p = .006), and 6 (p = .011), suggested significance, ($p <$

.05), respectively. Consequently, independent-samples t tests were completed to analyze

these indications further. Analysis for the t test with religion and the three motives could

not be calculated since the standard deviation for the groups in religion are 0, (M =1, SD

= 0); all 12 participants identified as Christian. However, computations for the remainder

of IVs and select motives were available. Assuming the null hypothesis (equal variance

assumed) the t test was a nonsignificant level of religious activity and Motive 2 $t(10)$ =

.455, p = .659, where the 95% confidence interval of the difference ranged from -1.95 to

2.95. Likewise, under the assumption of equal variances, there was no significance for

religious at the time of crime and Motive 4 $t(10) = -.631$, $p = .167$ with the 95%

confidence interval of the difference ranging from -1.664 to 2.978.

Concerning Motive 6, the equal variances were assumed with the level of

religious activity, and the *t* test was nonsignificant $t(10) = .027$, $p = .979$, with the 95%

confidence interval of the difference ranging from -2.338 to 2.396. Also, the *t* test for

Motive 6 and religious at the time of the crime was nonsignificant $t(10) = -.381$, $p = .711$,

with the 95% confidence interval of the difference ranging from -.783 to .555.

Type of crime, the frequency of offending, and motives. Hypothesis: There is no

influence from the demographical factors of the type of crime and the frequency of

offending towards the motivations for participating in restorative justice praxis. Of the 12

participants, seven (58.33%) identified as nonviolent ex-offenders while five (41.66%)

indicated violent crime convictions. With regard to their frequency of offending, four

participants (33.33%) indicated they committed offenses several times a day, 1 (8.33%)

several times a week, one (8.33%) several times a month, two (16.66%) less than five

times every six months, three (25%) less than five times a year, and one (8.33%) reported

only ever committing the one offense in which they were convicted.

A one-way MANOVA was conducted to determine the effects of two types of

demographical factors (a type of crime and offense frequency) on the six derived

motivations. In analyzing type of crime (nonviolent v. violent), significance was not

identified among the three demographical factors and six motivation, Wilks's $\Lambda = .333$,

$F(4, 2) = 1.0$, $p > .05$, ns. The demographics of offense frequency also did not suggest

any significance with the six motivations, Wilks's $\Lambda = .100$, $F(20, 8) = .561$, $p > .05$, ns.

An ANOVA analysis was conducted on the dependent variables was completed as follow-up to the MANOVA analysis. The ANOVA analysis was conducted at the 0.25 level. The ANOVA on *type of crime* with Motive 1 was nonsignificant, $F(1, 5) = .625$, $p = .465$, $\eta^2 = .111$, Motive 2 was nonsignificant, $F(1, 5) = 1.250$, $p = .314$, $\eta^2 = .200$, Motive 3 was nonsignificant, $F(1, 5) = .312$, $p = .600$, $\eta^2 = .059$, Motive 4 was nonsignificant, $F(1, 5) = 5.625$, $p = .064$, $\eta^2 = .529$, Motive 5 was nonsignificant, $F(1, 5) = .313$, $p = .600$, $\eta^2 = .059$, and Motive 6 was nonsignificant, $F(1, 5) = 1.250$, $p = .314$, $\eta^2 = .200$.

The ANOVA on offense frequency with Motive 1 was nonsignificant, $F(5, 5) = .286$, $p = .902$, $\eta^2 = .222$, Motive 2 was nonsignificant, $F(5, 5) = .886$, $p = .551$, $\eta^2 = .470$, Motive 3 was nonsignificant, $F(5, 5) = .243$, $p = .927$, $\eta^2 = .195$, Motive 4 was nonsignificant, $F(5, 5) = 2.771$, $p = .144$, $\eta^2 = .735$, Motive 5 was nonsignificant, $F(5, 5) = .543$, $p = .741$, $\eta^2 = .352$, and Motive 6 was nonsignificant, $F(5, 5) = 1.186$, $p = .428$, $\eta^2 = .542$. An LSD post hoc test was not performed on the *type of crime* because there were fewer than three groups and was not performed on the *offense frequency* because one group had less than two cases.

Levene's Test of Equality of Error of Variance suggested that error variance was not equal among the null hypothesis of the dependent variable across the groups with the type of crime and offense frequency. Specifically, Levene's Test suggested significance with regards to the type of crime and Motive 1 ($p = .049$) and 4 ($p = .049$). to further analyze these results independent-samples *t* tests were completed. The *t* test for the type of crime and Motive 1 was nonsignificant, $t(10) = .833$, $p = .424$, with the 95%

confidence interval of the difference ranging from -.761 to 1.670. The *t* test for the *type of crime* and Motive 4 was also nonsignificant, $t(10) = 1.265$, $p = .235$, with the 95% confidence interval of the difference ranging from -.283 to 1.026.

In evaluating the offense frequency with Motives 1 and 4 with an independent-samples *t* test no significance was found with Motive 1, $t(10) = 1.218$, $p = .251$, with the 95% confidence interval of the difference ranging from -1.962 to 6.689. With Motive 4, no significance was found, $t(10) = 2.041$, $p = .069$, with the 95% confidence interval of the difference ranging from -.183 to 4.183.

Quantitative Summary

The researcher initiated the quantitative portion of this analysis with the completion of a questionnaire completed by each participant following a semistructured interview. The selections for the questions were set up in SPSS which defined independent and dependent variables. A one-way MANOVA analysis was completed categorically comparing the IVs with DVs to determine if IVs influenced DVs. The IVs were defined as gender, age, race, childhood family structure, siblings, number of siblings, current family structure, level of education, religion, level of religious activity, religious at the time of crimes, type of crime and frequency of offending. The six derived motives were identified as (a) concern for their reputation (Motive 1), (b) understanding the impact of their crime (Motive 2), (c) explanation of actions (Motive 3), (d) making the victim whole (Motive 4), (e) apologizing to the victim (Motive 5), and (f) apathy towards the victim (Motive 6). With the exceptions of the siblings, current family structure and type of crime IVs, there was no significance noted in the analysis. However,

with *siblings* and current family structure IVs, there was insufficient data to complete a MANOVA and ANOVA analysis, and independent-samples *t* tests were completed to determine any significance. Among those two IVs, siblings reflected significance with Motive 2, where current family structure did not interfere with any motive. Additionally, Levine's Test of Equality of Error of Variance indicated the potential of significance in relation to the type of frequency of offending and Motive 1. However, an independent-samples *t* test confirmed no significance between the two variables.

Summation

The purpose of this mixed-method study was to examine whether motivational differences exist between violent and nonviolent ex-offender concerning their willingness to participate in RJ processes. The mixed-method study first entailed a semistructured interview with 12 participants who were asked the same eight questions. Each interview was transcribed and underwent three revisions processes in which words and phrases redundant in verbal communication were redacted, and the final version transcribed. The researcher uploaded a copy of each transcription into NVivo 11 software where a qualitative analysis was conducted, extracting categorical information and developing motivational themes. The researcher developed a total of nine themes, which were ranked based on the number of sources and references from the transcripts. The top six reflected the most influential rankings as (a) concern for their reputation, (b) understanding the impact of their crime, (c) explanation of actions, (d) making the victim whole, (e) apologizing to the victim, and (f) apathy towards the victim. The three additional themes developed were identified as (a) to have support person present during an RJ process, (b)

RJ mediation to moderating the RJ process dialogue, and (c) the possibility of leniency during traditional court sentences but were not included in the analyses conducted in this study.

After identifying motivations factors of ex-offenders and their willingness to participate in RJ praxis, the semistructured interview was immediately followed by a demographic questionnaire encapsulating the demographics of each of the participants. The quantitative portion of this analysis embraced encoding the captured demographical data into the SPSS software package and conducting a MANOVA, followed by an ANOVA to determine if the independent variables (the participant's demographics) were influential on the dependent variables (derived motivations). The demographics measured in this analysis included gender, age, race, childhood family structure, siblings, number of siblings, current family structure, level of education, religion, level of religious activity, religious at the time of crimes, type of crime and frequency of offending. I conducted a MANOVA analysis by segregating the demographic variables categorically as completing a MANOVA analysis with all the independent variables simultaneously with the six derived motivation dependent variables generated errors in the study. Gender, age, and race were grouped together, childhood family structure, siblings, number of siblings, and current family structure made the second grouping, level of education analysis was conducted independently, religion, level of religious activity, and religious at the time of crimes were grouped, and type of crime and frequency of offending constructed the final grouping. Through these groupings, the IVs and DVs were analyzed for variance. When there was the potential of evidence for significance, an

ANOVA analysis, and independent-samples *t* test was conducted to inspect these relationships between variables further.

I conducted a quantitative analysis beginning with a MANOVA and ANOVA analysis. The results indicated no significance between the IVs and MVs except in two instances. First, significance was identified through an independent-samples *t* test concerning the IV of siblings and Motive 2. The Levine Test of Equality of Error of Variance suggested a potential for significance between the type of offense and Motive 1 but am independent-samples *t* test indicated the two variables to be nonsignificant. As a result, six prominent motivations were identified, and one motivation (explanation of crime) reflected significance with the demographic of ex-offenders having siblings.

Results

Subsequent to the analysis of this mixed-methods study we can derive motivations from the qualitative segment and make determinations from the quantitative data provided by the 12 participants. Utilizing the NVivo 11 software package, six primary motivations were (a) concern for their reputation, (b) understanding the impact of their crime, (c) explanation of actions, (d) making the victim whole, (e) apologizing to the victim, and (f) apathy towards the victim. The first five motivations (concern for their reputation, the impact of crime, explanation of actions, making the victim whole, and apologizing to the victim) are notably positive attributes as it relates to the application of RJ processes. However, the sixth most prevalent identified motivation (apathy towards the victim) can be classified as a negative attribute as participants articulated their desire

not to meet with a victim of their crime out of their unconcern for the victim or lack of

interest in how their offense affected their victims.

Of the 12 participants, 11 (92%) expressed concern for their reputation (Motive

1), 10 participants (8%) conveyed their interest know the impact of their crime (Motive

2), eight participants (7%) wanted to explain their criminal conduct (Motive 3), nine

participants (75%) wanted to make the victim whole from the offense, seven participants

(58%) expressed a need to apologize for their actions, and five participants (42%)

commented with apathetic attitudes towards the victim of their crime during their

interview (Table 2).

The presence of the sixth motivation was especially true among the two ex-drug

offenders. These participants described how at the time of their crime they would not

have been interested in meeting the victim. However, now that they have been drug-free

for some time, they did articulate an interest in meeting the victims of their crimes to

explain how they were an addict whose cravings caused them to commit crimes they

would otherwise not commit if sober.

Through the quantitative analysis conducted in this study, 12 defined

demographics were encapsulated into a questionnaire and encoded into the SPSS

software package for a MANOVA and ANOVA analysis. Where the analysis identified

significance or suggested the possibility of significance, an independent-samples t test

was performed to examine the means relationship between two variables further. The

researcher included Levine's Test of Equality of Error of Variance in this analysis and in

some instances reflected the potential for significance. However, an independent-samples

t test confirmed no significance in these instances, except for one. Interestingly, potential significance was identified between the IV of *siblings* and the DV of Motive 2. An independent-samples *t* test confirmed significance between the two variables' means, suggesting that offenders who have siblings need to express themselves about their offense. The significance of these two variables is further explored later in this chapter.

This mixed-methods study sought to secure and analyze data for six research questions, Research Question 1, Research Question 2, Research Question 3, Research Question 4, Research Question 5, and Research Question 6. The first three questions (Research Question 1, Research Question 2, and Research Question 3) focused on the interests of motivational factors from the qualitative segment of the study. Meanwhile, the last three questions (Research Question 4, Research Question 5, and Research Question 6) statistically examined whether the participants' demographic traits influenced the derived motivations. Each of the following research questions were analyzed independently:

Qualitative Components

Research Question 1. In completing the semistructured interview, the transcripts of the interviews were segregated based on the nine basic questions and the themes developed by first delineating nodes from the contextual data. Regardless of the question, I separated common statements into individual nodes. Phrases from the participants' answers were scrutinized for an overarching contextual theme. Saldana (2016) posits how "three-fourths of the total number of participants should share similar code between them" (p. 25). These themes were organized into 29 different nodes from 12 participants

who made 147 references to the 29 nodes. The nodes were then analyzed for substantive content to define the theme further. I assigned an appropriate nomenclature to each node and ranked the nodes according to the frequencies of the references made by the number of sources.

Research Question1: What are the motivational factors that impact the willingness of nonviolent ex-offenders to participate in restorative justice?

There was a total of seven nonviolent ex-offender participants in this study. Of those seven, six participants (86%) demonstrated high interest in maintaining their reputation (Figure A). The overarching message that resonated among participants with Motive 1 had the ability to complete their sentences and return to society without having the consequences of their criminal actions hamper their ability to move on in life and return to community. Some participants expressed how incidental effects (i.e., having to check yes on a conviction question for job applications) as obstacles that prevent them from fully returning to society as the community expects.

Concerning the impact of their crime (Motive 2), five participants (71%) wanted to dialogue with the victim of their offense to learn how the event affected the victim (Figure A). Some of these participants further voiced concern for the victim's well-being and suggested the need to get the victim counseling if needed. Four nonviolent ex-offender participants (57%) articulated a need to explain their crime to the victim. There was a notion from these participants that this motive connected to their concern for their reputation (Motive 1) as participants often expressed that they completed their crime out of desperation and was not explicitly targeting their victim.

There was interest from four nonviolent participants (57%) to make the victim whole from their loss in the offense (Figure A). Some participants explained how they made the victim whole in their case through the court appointed restitution. Given that the participants were not given a thorough explanation or had experienced an RJ process, their lack of understanding of making the victim whole through an RJ process was evident throughout the study.

Only three of the nonviolent participants (43%) considered offering an apology to the victim of their crime (Figure A). Artifacts of decency and respect reverberated with these participants as they expressed the need to apologize for their actions. Some participants further offered that if they were the victim of the crime, they would expect this courtesy extended to them.

As previously indicated, some participants conveyed attitudes of apathy towards their victims during their semistructured interview (Figure a). With nonviolent participants, three (43%) expressed these negative sentiments. Of these three nonviolent participants, two were convicted of narcotics violations, and one was convicted for tax evasion. These nonpersonable incidents become substantial as these crimes do not necessarily have a specific victim, per se. With the drug offenders, this type of offense could be considered a 'victimless crime' as these types of offenders freely engage in their criminal activity without victimizing a specific person. Likewise, the participant convicted of the tax evasion specified in their interview how the IRS, an entity that is reviled by many, would be considered the victim and is often difficult to deal with when

interacting with the organization. The presence of this apathy may be due in part that no specific person identified as the victim of these offenses.
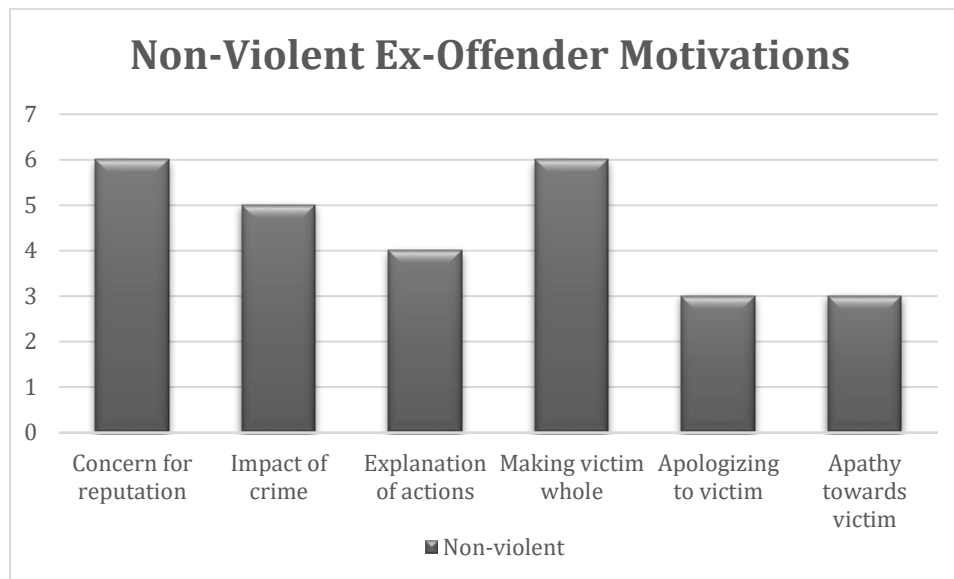

Figure 1. Identified nonviolent ex-offender motivations

Research Question 2. In analyzing violent ex-offender participants' motivations, it is apparent that these participants were represented in each f the six developed motivational factors. There were five violent ex-offender participants in this study who contributed to each of the derived motivational factors. Like Research Question 1, Research Question 2 sought to identify the motivational factors that impact the willingness of violent offenders to participate in an RJ process.

Research Question 2: What are the motivational factors that impact the willingness of violent, ex-offenders to participate in restorative justice?

Concerning the motivation of concern for their reputation, all five violent ex-offender participants (100%) dialogued about their concern in returning to the community (Figure 2). Participants expressed concern surrounding the notion that the ex-offenders

would be labeled a violent offender and unable to reenter and acclimate to their

communities. Violent ex-offender participants reiterated much of the concerns that

resonated with the nonviolent ex-offenders as societal obstacles would prevent the

individual from reacclimating to society after release from imprisonment, particularly

after serving a long sentence.

Equally crucial to the violent ex-offender participants was their need to know how

their crime impacted their victims (Motive 2). As with the first motive, all five violent

participants (100%) communicated their desire to speak with their victims and understand

how their violent actions affected the victim (Figure 2). As with their nonviolent

counterparts, some of the violent ex-offender participants voiced the necessity to

determine if the victim needed additional services (i.e., psychological, counseling, etc.)

due to the emotional consequences of being subjected to the violent crime.

Explaining their crime (Motive 3) was an essential trait for 5 of the 6 violent ex-

offender participants (83%, Figure 2). As with the nonviolent participants, the violent ex-

offender participants also described the need to speak with the victim to explain the

causes that motived them to commit such a heinous act. In one instance one of the violent

participants raised concern about being perceived as a "monster" by her victim when she

could not control their actions due to their uncontrollable craving or their drug of choice.

However, when considering making the victim whole (Motive 4) from their

dynamic offense, only 3 of 5 violent participants (60%) raised this motivation (Figure 2).

When articulating about making the victim whole, the violent participants just mentioned

about replacing items of value. There was no invocation of paying back restitution for

any injuries that may have been incurred by the victim during the offense. This concept was not further explored in the semistructured interview because it reached beyond the scope of the intended study but would warrant further research as we learn more about this motivation concerning violent offenders.

Regardless of the perceptions of what making the victim whole would look like, four of five violent participants (80%) expressed an overwhelming need to apologize to the victim for their actions (Figure 2). As with the nonviolent participants, this motivation tends to tie into Motive 1 as the violent participants articulated a need to apologize to the victim for their actions and express to them the motivations for their crime—most often drug addictions—and convey to the victim that outside of their dependency they would not treat people so violently. Again, the traits of decency and respect for others were considerations by the violent participants as it pertained to their victims.

Finally, concerning apathy towards the victim, 2 of 5 violent participants (40%) expressed these negative qualities about their victims (Figure B). Of interest concerning this information is the fact that both of the violent participants who identified with this rationale were convicted sex offenders who conveyed negative interactions with their victims during the traditional criminal justice process. Some notions are considered with this finding. First, these two violent participants may be exhibiting these apathetic feelings towards their victims because of the negative experience within the traditional court system, as they indicated. However, sexual assault is a crime predominately committed by males who seek power over their victims. This notion, in and of itself, may be a significant reason for this finding.
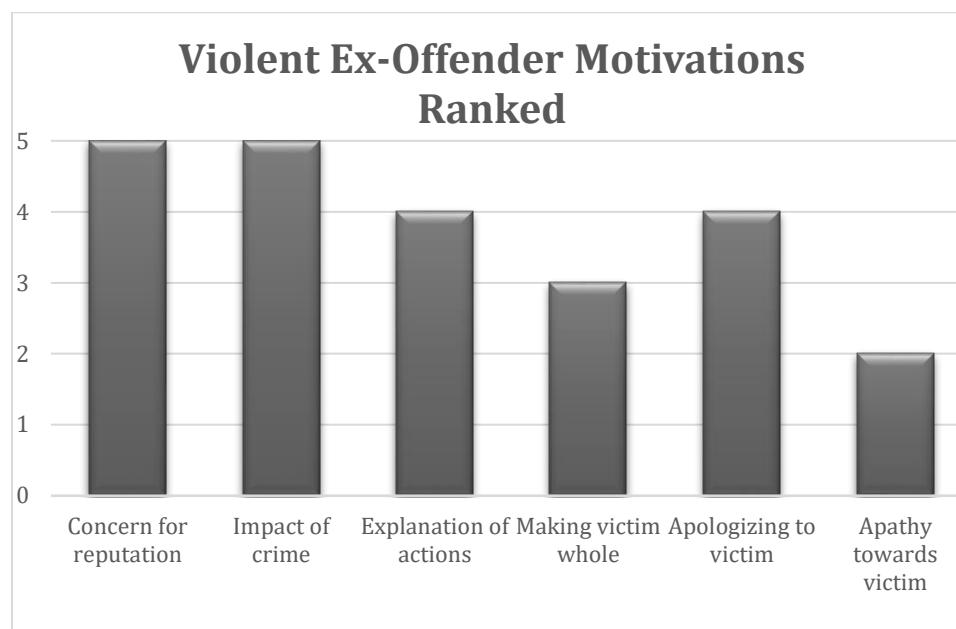
Figure 2. Violent ex-offender motivations ranked

Research Question 3. Having analyzed the qualitative data between nonviolent

and violent ex-offender participants, evaluating the two together yields noteworthy

perspectives of the derived motivations. Overall, there was a sense of equitability when

comparing the two groups side-by-side. However, when analyzing the percentage

differences between the seven nonviolent and five violent ex-offender participants, the

percentage differences the violent ex-offenders demonstrated stronger associations with 4

of the 6 derived motivations.

Research Question 3: Are there differences in motivational factors between

nonviolent and violent ex-offenders?

Concerning the need to express concern for their reputation (Motive 1), violent

participants demonstrated a stronger association than the nonviolent offenders. With 11

of 12 overall participants reflecting this motive, six of seven nonviolent participants (86%) and all five violent participants (100%) to the violent offenders expressed this motive (Figure 3). This was an essential motive for most offenders across the study, with one exception. The nonviolent ex-offender who did not associate with this motive was convicted for a drug offense. Interestingly, another nonviolent participant, also convicted of a drug offense, did identify with this motive. The suggestion of this data indicates that ex-offenders, regardless of the type of crime committed, is concerned with how their criminal offense and its consequences will affect their reputation and inhibit them from assimilating back into their communities.

Concerning the second motive where participants wanted to know the impact of their crime (Motive 2), the data reflected a similar result with a slightly larger gap between the percentage differences. Where 5 of 7 nonviolent participants (71%) associated with this motive, all five violent participants (100%) described how they wanted to learn about the impact of their offense on the victim (Figure 3). Again, the violent participants reflected a 29% difference with this motive. Overall, the data indicate that violent offenders may be more concerned about their offense against their victims and how the offense has disrupted their lives.

The third motive concerned the participant wanting to explain their crime (Motive 3). When comparing the nonviolent with the violent ex-offender participants, the violent ex-offender participants demonstrated a higher indication of involvement with this motive. While four of seven nonviolent participants (57%) wanted to explain their crime, four of five violent ex-offenders (89%) also exhibited characteristics of this motive

(Figure 3). The qualitative data suggests there is some connectivity for violent ex-offender participants and their proclivity in ensuring that the stakeholders involved in the criminal offense can endure the consequential psychological impacts. However, when evaluating the fourth motive, there is a distinct shift.

As the violent ex-offender participants surpassed the nonviolent ex-offender participants in demonstrating more interest in the first three derived motives, this was not true with Motive 4, where the ex-offender takes an interest in making the victim whole. Nonviolent ex-offender participants exhibited more interest in making the victim whole than did the violent ex-offender participants. Where only 3 of the 5 violent ex-offender participants (60%) articulated Motives 4, 6 of the 7 nonviolent ex-offender participants (86%) demonstrated likewise (Figure c). This shift in the trend of violent ex-offenders categorically outperforming nonviolent ex-offenders may have to do with the enormity and nature of the violent crimes inflicted on their victims. Where nonviolent crimes often involve property that can be easily repaired or replaced, violent crimes exact physical injury upon the victims, often causing insurmountable medical consequences from the offense. Specificity to the facts of each case did not fall within the scope of this study and are not available for further analysis. However, additional research in this area may identify the causation for the phenomenon with violent offenders not being as likely to want to make the victim whole.

In evaluating Motive 5, where the offender expressed an interest in apologizing to the victim for their criminal offense, violent ex-offender participants were almost twice as likely to want to extend an apology to the victim than nonviolent ex-offender

participants. There were 4 of 5 violent ex-offender participants (80%) as opposed to three

of seven nonviolent ex-offender participants (43%) who wanted to apologize to the

victims of their crime (Figure 3). There was a resonance within the interviews where

violent ex-offenders were genuinely interested in making an apology to the victim and

beginning a process by which the relationship between the stakeholders—whether it be

intimate or distal—could be repaired. This resonance did not seem as prevalent within the

nonviolent ex-offender interviews where, in some instances, the thought of apologizing to

the victim almost came as an afterthought. The seriousness of the crime may attribute to

this factor.

The last derived motive centered on apathetic statements made by participants

towards the victims of their crime. Overall, both nonviolent and violent ex-offender

participants expression of this negative motive was nearly equivalent. Where three of

seven nonviolent participants (43%) demonstrated this motivational tendency, two of five

violent participants (40%) did so likewise (Figure 3).

Of utmost interest in analyzing this qualitative data was the information that

surfaced in the semistructured interview concerning the types of victims involved in the

cases that demonstrated Motive 6. With the three nonviolent ex-offenders exhibiting

Motive 6, two ex-offenders committed drug offense crimes and one committed a tax

evasion offense. Though considered a victimless crime, drug offenses do impact

communities and society. Nonetheless, the perception of the victim becomes critical

when considering Motive 6. Concerning the participant convicted of the tax evasion

crime, they articulated in their dialogue how they viewed the IRS as the victim.

The ideology of the lack of personification with a victim associated was not present for the two violent ex-offender participants who exhibited Motive 6 in their interviews. One ex-offender was convicted of a robbery and the other of a sexual assault. Both crimes have individuals as victims, yet the ex-offender demonstrated some apathy towards them.
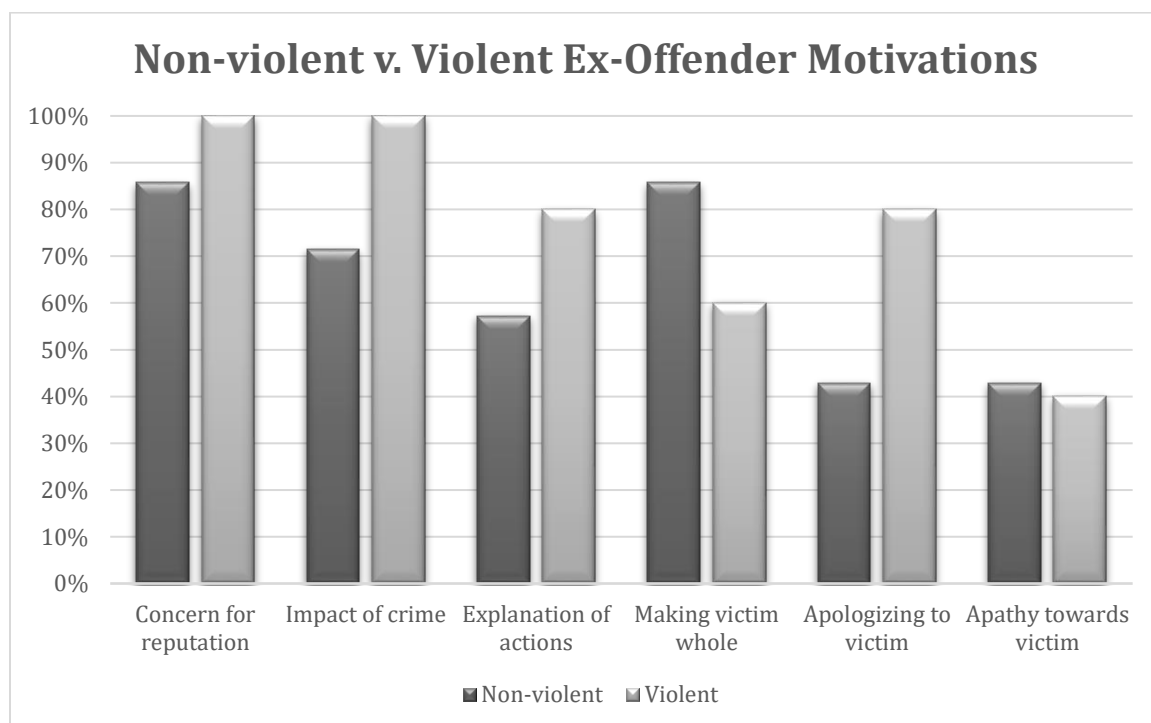
Figure 3. Nonviolent v. Violent Ex-Offender Motivations

As previously indicated in this study, the order of ranking for the motives was determined by assessing the number of times the motive was referenced, followed by the number of participants who referenced the motivation. We would be remised not to analyze the ranking of these motivations independently between the two types of ex-offenders (nonviolent and violent). Nonviolent ex-offender participants ranked the derived motives in the following order: (a) concern for reputation, (b) making the victim

whole, (c) impact of crime, (d) explanation of actions, (e) apologizing to the victim, and

(f) apathy towards the victim. Whereas, violent ex-offender participants ranked the

derived motives in the following order: (a) concern for reputation, (b) impact of crime,

(c) explanation of actions, (d) making the victim whole, (e) apologizing to the victim, and

(f) apathy towards the victim. The significant difference between the two groups exists

with the nonviolent ex-offender participants' higher importance to make the victim whole

(Table 4). Again, the inability of a violent ex-offender to fully restore irreparable harms

may prove to be a factor in future studies concerning this phenomenon.

Table 3

Nonviolent v. Violent Ex-offender Motive Percentile Ranking

Rank	Nonviolent Off. Motives	Rank	Violent Off. Motives
1	Concern for reputation	1	Concern for reputation
2	Making the victim whole	2	Impact of crime
3	Impact of crime	3	Explanation of actions
4	Explanation of actions	4	Making the victim whole
5	Apologize to the victim	5	Apologize to the victim
6	Apathy towards the victim	6	Apathy towards the victim

Quantitative Components

For research questions Research Question 1, Research Question 2, and Research

Question 3 the qualitative segment of this study proved to be the most beneficial

approach to analyzing the data as it permitted the ability to rank—through quantitative

methods—the derived motivations from the semistructured interview. The result of the

analysis now turns towards the incorporation of the participants' demographical data

encapsulated through the questionnaire administered at the conclusion of the

semistructured interview. Sought was to determine whether if demographical differences

between participants were influential on the established motivations. The next three research questions examined for correlations between the participants' demographics and the motives they articulated.

All 12 ex-offenders participated in the demographic survey. One half (six) were males, and the other half (six) were females. The participants' age ranged from 25 to 55+ years. Eight ex-offenders identified as White/Caucasians, two as Black/African Americans, and two as other ethnicities (one mixed-race and the other as Hispanic). All 12 participants resided in West Virginia and answered each of the variable questions, with one exception. One violent ex-offender participant indicated that they had siblings but neglected to fill in the section enumerating how many siblings were their childhood family structure. The missing variable was marked as missing data within SPSS and not considered in the statistical calculations when completing the MANOVA analysis with a *number of siblings* and Motives 1 through 6. Otherwise, all the other variables were present and calculated in the statistical analysis.

Research Question 4. Having evaluated qualitative differences between nonviolent and violent ex-offender participants with the derived motivations, Research Question 4 focused on demographical differences between the nonviolent and violent ex-offender participants and the defined motivations. The demographical variables included in this portion of the analysis were: gender, age, race, childhood family structure, siblings, number of siblings, current family structure, education level, religious affiliation, the frequency of religious activity, and if the participant was religious at the time, they committed their crime.

Research Question 4: What are the demographical differences between nonviolent and violent ex-offenders' motivations to participate in restorative justice?

Through the MANOVA and ANOVA analysis of gender, age, and race childhood family structure, number of siblings, current family structure, education level, religious affiliation, frequency of religious activity, and if the participant was religious at the time they committed their crime with Motives 1, 2, 3, 4, 5, and 6, there was no significance identified among any of the factors. While the researcher did not note significance among these IVs and DVs, the results implicate unique information. Specifically, motivations were uniformly present amongst the participants regardless of their defined demographics. No one classification of people or combination thereof influenced any of the motives. This revelation suggests that consideration for motivational factors in RJ processes could be considered and employed universally among various types of offenders despite their gender, age, and race childhood family structure, number of siblings, current family structure, education level, religious affiliation, frequency of religious activity, and if the participant was religious at the time of their offense. An evaluation of the Wilks Lambda (MANOVA) statistical result valued $p > .05$ in each instance, with an assessment of the significance level in the Tests of Between-Subjects Effects (ANOVA) also yielding no significance with levels of $p > .05$.

However, one IV demonstrated significance with a DV during this segment of the analysis. The researcher discovered significance between IV siblings and DV Motive 3, which is the explanation of actions. Interestingly, however, there was no indication of significance concerning the other categorical IVs (number of siblings, childhood family

structure, and current family structure) in conjunction with this finding. Out of the 12

participants, 11 indicated they had siblings in their childhood family structure, of which,

10 reported having siblings ranging from 1 to 8 in number. The study was not designed to

determine if the identified siblings were from original or mixed family structures. This

finding would suggest that offenders who come from family structures in which there are

siblings, regardless of the number of siblings, the offender tends to demonstrate a desire

to explain their actions to the victim of their offense.

Research Question 5. Having identified that most demographical traits do not

influence the motives of offenders, but that having siblings may influence an offender to

want to explain their conduct, the study now shifts to examine whether the offender's

type of crime (nonviolent or violent) affects any motivations. Of the 12 participants,

seven identified as nonviolent ex-offenders where five classified as former violent

offenders, expressing convictions in crimes respectively.

Research Question 5: Does the ex-offenders' type of criminal offense impact their

motivational factors to participate in restorative justice?

Though the qualitative analysis of this study found that violent ex-offender

participants were more likely to express higher levels of engagement in 4 of the 6 derived

motivations, the statistical analysis yielded no significance regarding the offenders' *type*

of crime and the six motives. The analysis of Wilks Lambda (MANOVA) segment

revealed $p > .05$, and the subsequent analysis of Test Between-Subjects Effects

(ANOVA) confirmed the MANOVA section, also indicating that $p > .05$.

Within the 12 participants, seven were nonviolent, and five were violent ex-offenders. Either through the screening process or the semistructured interview segment of the study, each specifically enumerated their specific conviction without prompting. The types of nonviolent and violent offenses represented in this study ranged a full gambit of crimes. In the nonviolent category were convictions for embezzlement, a tax evasion, a burglary, three drug offenses, and identity theft. Violent convictions represented two robberies, two sex offenses, and attempt murder. With such a diverse group of crimes represented on a broad spectrum of crime, finding no significance among this independent variable could still be considered momentous. The lack of significance would suggest that regardless of the type of crime the derived Motives (1 through 6) are not influenced by this demographical factor.

Research Question 6. While the IV type of crime does not influence the derived motivations of 1, 2, 3, 4, 5 or 6, consideration must be taken to determine if the participants' frequency of offending weighs any bearing on the motivations. Offenders offend at different rates. It was my intention to determine if the frequency of offending was influential on any of the motivations.

Research Question 6: Does the ex-offender's frequency of offending influence their motivational factors to participate in restorative justice?

The frequency of offending as described by the 12 participants varied (Figure 4). With all 12 participants responding, 38% identified their rate of offense at more than five occurrences a day, 8% articulated offenders several times a week, and another 8% described offending at a rate of about five offense a month. Another 17% described

offending at about five times every 6 months while 25% of the participants described

offending at less than five times a year. One participant, the violent ex-offender convicted

for attempt murder, categorized their offense as "other," articulating this was their only

criminal offense.

When analyzing the Wilks Lambda (MANOVA) for the *frequency of offending p*

> .05 determining it to be nonsignificant with the 6 motives. Further analysis with the

Test of Between-Subjects Effects (ANOVA) further demonstrates p > .05, confirming no

significance with the *frequency of offending* and all 6 motives.

Figure 4. Offense Frequency of Participants
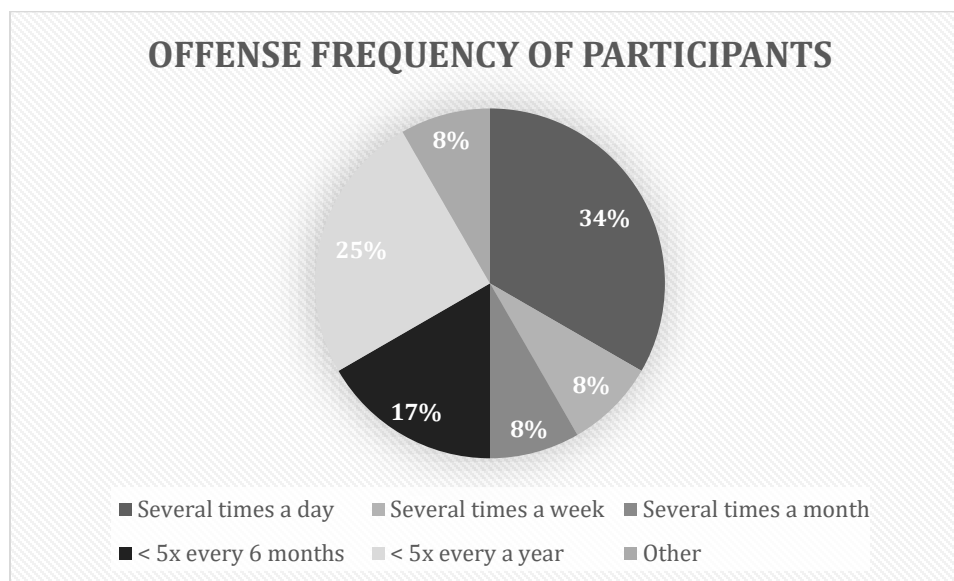
Evidence of Trustworthiness

As previously identified in Chapter 3, Frankfort-Nachmias et al. (2015) indicate

how the various data collection points through a mixed-methods process bring about an

ability to employ triangulation and test the trustworthiness of the data. It is further

precluded how the collection of data through multiple methods may enable the data to

exhibit a common convergence point, reflecting its trustworthiness (Frankfort-Nachmias et al., 2015). Teddlie and Tashakkori (2009) articulated how measurements are consistent and accurate among those collected through various methods and reflect reliability. By identifying consistencies in the data, we establish the reliability of the derived data (Frankfort-Nachmias et al., 2015). Throughout this mixed-method study, there were several notable instances whereby the data exhibited triangulation. Within the qualitative portion of this study, all 12 participants were asked the same eight semistructured questions verbatim. Though each participant was able to articulate their responses and then have those responses explored through unstructured dialogue, six prominent themes were common among the participants, and three additional themes emerged with almost half of the participants during their interview. For instance, 11 of 12 participants articulated in their own words dialogue that ultimately described their concern for their reputation following the offense. One participant stated, "People talking about you, talking behind your back. You go to the library, and the librarian is afraid to give you a book; especially in a small community," while another, in their own words explained, "Well, the [importance] would have been how they, you know, looked towards me and how they looked towards her," while another participant says, "Mostly so you don't get bad word of mouth. You want to improve your reputation as much as you can." This raw and uneducated language demonstrates how the participants each centered thematically on the need for the offender to improve their reputation after the offense. Rubin and Rubin (2012) suggest that concepts are not difficult to extract from the participants if the researcher listens carefully to the conversation (p. 117). An example of carefully

evaluating the communication from this study becomes evident when one participant

answers Question 3 of the semistructured interview (Would have you agreed to listen to

the victim and how the crime affected them?):

> Yeah, of course, I would want to do that and how it really affected their life and
> changed them the way they might see people or change the way they think about
> folks they are not able to trust people in life.

While this participant explains how they would be willing to listen to the victim and how

the crime impacted their life, the participant also references how they may "change the

way they think about folks" inferencing the negative connotation affiliated with criminal

offenders.

The utilization of the NVivo coding process reduced bias whereby a transcript of

the participants' commentary was imported into the software package and analyzed.

Through the process of analyzing the contextual data provided by the participants, the

researcher would identify nodes for each of the statements and then combined like nodes

into one specific theme. For instance, the node *apologized to victim* was created to

capture when a participant expressed this action. The researcher created the node

apologetic to represent participants who expressed a desire to apologize to the victim for

their offense. The two nodes were later conjoined into one node—*apologizing to the*

victim—as this theme made itself evident.

One example of the differential views of apology through amalgamation comes

from two participants. One participant expressed a possibility of apologizing to the victim

almost as a fleeting thought by stating "I probably would have told her that I was sorry," where another participant articulates the need to make an apology by saying:

Well, one reason is the victim and I were friends for 28 years prior to the crime.

My crime consisted of hurting someone and I wanted to apologize for that and explain my part in it and to let her know how very sorry I was.

According to Saldaña (2016), the inclusion of anecdotal responses from the participants enables a reader of research to see the reliability and trustworthiness of the codified outcome.

In social science studies, researchers can gather data from formal or informal settings that may include verbal or written responses (Frankfort-Nachmias et al., 2015). The combination of these two settings, in conjunction with two types of responses, produces the potential to generate four methods for data collection: observational research, survey research, qualitative research, and secondary data analysis (Frankfort-Nachmias et al., 2015, p. 170). Though this study only used two of the four mentioned methodologies—qualitative research and survey research (questionnaire)—when two or more of the methods are utilized, triangulation is another product by which we can weigh the evidence of trustworthiness in a study (Frankfort-Nachmias et al., 2015).

Throughout this study, triangulation became perceptible through the qualitative coding and analysis as the frequency of developed motivations increased with the participants. The results evidenced Motives 1, 2, 3, 4, 5, and 6 at a notable rate. These motives were identified among both nonviolent and violent ex-offender participants and reflected a consistent order of importance among the participants based on their level of

frequency. This triangulated information was consistent throughout the qualitative analysis both independently and cumulatively among the two types of ex-offenders (nonviolent and violent). For instance, through their anecdotal responses, both nonviolent and violent ex-offenders ranked the concern for their reputation, the impact of their crime, and explanation of their crime motives, respectfully, while demonstrating a slight difference in importance between the motives of making the victim whole and apologizing to the victim. This continuity in information validates triangulation as it pertains to the qualitative segment of this study.

Triangulation was further evidenced in the quantitative portion of the study through the MANOVA analysis and produced sufficient substantiation to establish the trustworthiness of the study. Through the MANOVA analysis, the demographical IVs were analyzed to determine if they influenced the six derived DV motives. Green and Salkind (2014) posit that if a MANOVA analysis—which evaluates the population means between a set of DVs and IVs—yields significance, an ANOVA analysis is conducted. If the researcher identified significance, additional follow-up tests (post hoc) were performed.

Through this study, the implementation of SPSS software allowed for a MANOVA and subsequent analyses of the statistical data. Except for IV *siblings* in relationship to DV Motive 3 (explanation of actions), I identified no significance among the IVs and DVs. However, the SPSS MANOVA feature generates a Test of Between-Subjects Effects, which is an ANOVA analysis of the same set of IVs and DVs (Green & Salkind, 2014). Respectively, these analyses also did not demonstrate significance among

the population means of these variables. To further examine the data, an LSD and Tukey

post hoc test was included in the analysis, reflecting the comparison population means as

nonsignificant. Finally, as a fourth tier in the examination of data, Levene's Test of

Equality of Error Variance was evaluated. In instances where Levene's Test of Equality

of Error Variance suggested potential significance, the researcher performed an

independent-samples t test. Through this analysis, the test evaluates the population means

between two different groups, where one group has two or more levels (Green & Salkind,

2014). The consistency of nonsignificant results demonstrated throughout the analysis

with most variables and the development and consistency of significance between the IV

siblings and DV Motive 3 illustrates how triangulation demonstrates the trustworthiness

of the consequent data.

Summary

The results of the mixed-method study identified five positive and one negative

motivation for ex-offenders' willingness to participate in a restorative justice praxis.

Through the qualitative analysis, six specific motivations were identified: (a) concern for

their reputation, (b) understanding the impact of their crime, (c) explanation of actions,

(d) making the victim whole, (e) apologizing to the victim, and (f) apathy towards the

victim. The first five motivations were positive motivations with the sixth was noted for

its negative affiliation. In addition to identifying these six motivations, the ranking of

their importance among the participants was also noteworthy. The aforementioned order

of the derived motivations also reflects their overall order of prominence among the

participants. It is worth pausing to note how the ranking of these motivations takes on a

logical progression. While the participant first concern themselves about their reputation, they also articulate how they want to understand how the crime impacted the victim, explain their actions, make the victim whole, and apologize for the offense, in that order. However, most intriguing from this study is the fact that for 4 of the 6 motivations, violent ex-offender participants referenced these motivations more so than their counterparts.

In the second portion of the analysis for this study, a MANOVA and ANOVA analysis were conducted to determine if the participants' demographics influenced the six derived motivations. Considering that the research study only utilized 12 participants ($N = 12$), there was a diverse representation of ex-offenders and the types of crimes with convictions. With one exception, the study proved to be a robust data analysis that yielded no significance among the demographic IVs and the derived motivation DVs. One IV, *siblings*, demonstrated significance with Motive 3 (explanation of actions). Chapter 5 provides a summarization of this mixed-method study. In that chapter, an interpretation of the findings, limitations of the study, recommendations, and implications are explored.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

At the onset of this study, my intent was to determine what, if any, motivational factors may exist among nonviolent and violent ex-offenders for participating in an RJ praxis and whether their demographical traits influenced any developed motives. The results of this study revealed motivations, both positive and one negative, that almost universally expanded the types of offenders and the variety of crimes they were convicted. The six identified motives included concern for the ex-offender's reputation, how the crime impacted the victim, providing an explanation for the criminal offense, making the victim whole, apologizing to the victim, and displaying apathetic attitudes towards the victim. In analyzing the diverse demographic individualities in comparison with the derived motives, the findings of this study revealed how ex-offender participants who have/had siblings in their family tended to desire to explain their offense to their victim. Though I sought to identify and define potential motives of the ex-offender in this study, a more robust study could explore the individualistic motives and provide a more comprehensive examination of the motivations in connection with the individual characteristics of offenders. My goal was to identify motivational factors and demographic influences to better enable RJ practitioner's information for consideration when employing RJ processes.

Interpretation of Findings

Through a mixed-methodological process, I engaged convicted ex-offender participants who encapsulated six different motivations as to why they would or would

not participate in an RJ process in this study. None of the participants articulated

knowledge of RJ in any capacity but were able to discern its characteristics and traits

from the structure of the qualitative questions used in the semistructured interview. The

participants articulated a variety of motivational factors through fluctuating dialogue,

identifying these six prominent motivations:

1. Concern for their reputation,

2. Impact of their crime,

3. Explain their actions,

4. Make the victim whole,

5. Apologize to the victim, and

6. Apathy towards the victim.

Interestingly, the ex-offender participants offered these derived motivations at

measurable frequencies that permitted me to rank them overall and by the type of

offender. As expressed in Chapter 4, the overall ranking based on the occurrences of

motivations suggested a logical and intuitive progression of motives that would

expectedly surface in an offense against an individual. After an offense, an individual

would tend to be concerned about their self-preservation and how the incident will

ultimately affect them. The linear thought process would then transcend to how their

offense impacted their victim. Upon hearing the effects of the crime, there would

logically be a need to explain their actions and an offering to repair the harm. Ultimately,

the dialogue may produce an apology. Zehr (2002) and Sherman and Strang (2007) have

expressed how RJ processes sometimes cause an offender to offer an apology to the victim for the wrongdoing.

While the first five derived motivations reflect a positive approach towards the victim and the offense, I consider the sixth motivation of apathy towards the victim as a negative motivation. Under certain instances, the participants articulated positive motivational attributes for their offense, though some ex-offender participants recalled interactions with their victim apathetically. Therefore, the perspectives employed by the participants were not always positively based and suggested that participants may have apathetic attitudes towards their victims to some degree. I will explore each of these motivations with specificity as to the interpretation of their findings in the following subsections.

Concern for Reputation

The concern for reputation was without question the supreme concern among nonviolent and violent ex-offender participants. While they acknowledged and accepted the illegality for their actions, ex-offenders expressed concern for the consequential repercussions of their crime. There was a concern about the ability of ex-offenders to reacclimate to their communities and society. Often, restrictions imposed on convicted offenders inhibit them from completely reacclimating to the expected lifestyle from society. For instance, upon release from the correctional system, convicted offenders seek employment as a condition of release. However, when completing applications for job opportunities, they are required to identify as a convicted offender for a criminal offense. Though they are considered to have completed their sentence, this labeling of convicted

offenders prohibits them from having a clean slate and fresh start. When ex-offenders are unable to secure employment and become productive as society expects, they fall back to what they know and recidivate.

Impact of Crime

The ex-offender participants did not attempt to divert the blame for their offense to their victims or their situations in life but instead expressed genuine interest and concern in how their offense impacted the victim. Ex-offenders were genuinely interested in understanding how their harm affected the victim and wanted to understand the ramifications. This conversational piece in an RJ process may be instrumental towards the reduced recidivism rates. Sherman and Strang (2007) acknowledged that RJ processes reduce recidivism with offenders. However, further study would be warranted to determine whether the offender understanding the impact of the crime influences their recidivism rate.

Understanding how a criminal offense impacted the victim also removes the sterile aspect of the transgression as experienced in the traditional criminal court system and brings about a more humanistic virtue to the situation. Where the impact of the crime often centers of the financial loss of the victim, the ex-offenders indicated that the effects of the crime also concern the emotional well-being of the victim. The ex-offenders portrayed an attitude of sincere concern, particularly those who committed violent offenses, towards the emotional state of the victim. In several instances, offenders expressed concern that the victim would receive necessary psychological counseling to help them recover from the offense when needed. However, one example of interest arose

in this study as a point of caution when one of the two sex offenders described how they would want to meet the victim to ensure their psychological well-being. Though only present in one of the two cases involving a sex offender, the caution that surfaced concerned the actual intentions of the ex-offender. A great deal of literature has exposed how RJ processes not employed appropriately can allow an offender the opportunity to manipulate or further victimize a victim (Miller & Iovanna, 2013). I suspected this potential manipulation concerning one ex-offender (a sex offender) participant who explained how they would personally interview the victim to make sure they were psychologically sound.

Explanation of Actions

The third motivation that I identified concerned the ex-offenders' need to explain their criminal actions towards the victim. Participants who articulated this motivation expressed how they did not specifically target their victims but took advantage of the opportunity at the moment to commit their crime. Participants expressed a need to explain this to the victim on behalf of themselves to help them understand that the participant did not target the victim for any length of time and that other crimes would not occur with them, their families, or loved ones.

In addition to the targeting issue was the need to provide a rationale for the crime. Most participants expressed how they were drug addicts and needed money to obtain the drugs to sustain their substance addiction. Participants revealed how opportunistic situations presented them with opportunities to exploit others and gain financial benefit to further their substance abuse.

Making the Victim Whole

In the semistructured interviews with both nonviolent and violent ex-offenders, the idea of making the victim whole arose inequitably between the two types of offenders. Among the nonviolent ex-offender participants, making the victim whole was more important than to violent ex-offender participants. While nonviolent offenders referenced this theme with such frequency to rank it as the fourth most important motivation, violent ex-offenders ranked it as the fifth most important motive, falling just after apologizing to the victim.

Immediate consideration for this anomaly centered on the seriousness of the crime. While I did not explore the consequential sanctions the ex-offender participant was held accountable to in their respective cases, a stakeholder being held financially responsible for incurred damages may be an influential factor in this motivation. Many crimes will leave the victim with a financial loss whereby the courts can order restitution to make the victim whole. However, concerning property crimes where offenders repair and replace damaged goods, these compensative matters can be more easily achieved by the defendant than for those of violent crimes that can leave the victim with hefty medical bills. Therefore, the difference in ranking of making the victim whole between nonviolent and violent offenders may be primarily due to the anticipated indifference of expected compensation from nonviolent and violent offenses.

Participants were inclined to make the victim whole; however, in some instances, making the victim whole was dependent upon whether the state could unequivocally prove the offender committed the crime. Even after having their case adjudicated, some

participants referenced the possibility that if the state could not meet their burden of proof beyond a reasonable doubt, even within the commonly exercised plea-bargaining, they should not bear the burden of making the victim whole. Zehr (2002) prescribed that cases should only entertain RJ processes with offenders who fully accept responsibility for their wrongdoing. The notion of just making the victim whole in cases that can be sufficiently proved by the state reinforces this foundational recommendation of employing RJ processes with offenders who fully accept their wrongdoing and are willing to face their consequences.

Apologize to the Victim

Though not all participants broached a desire to offer an apology to their victim, for those who articulated a need to forward an expression of remorse their appeal to have this opportunity resonated with sincerity. Zehr (2002) expressed how an apology is not a requirement for RJ processes. Zehr further contends that an apology may become a byproduct of the process in some cases.

For those participants who voiced this aspiration, the offering of an apology came instinctively. Dialogue within the traditional criminal justice system is not unrestricted but is governed by procedural rules that limit the conversation of victims, witnesses, and defendants. For instance, preceding a scheduled court date counsel, the prosecutor or defense attorney may be inundated with cases and have a restricted amount of time in which to speak with their clients to prepare for the anticipated courtroom interaction. These abbreviated meetings do not allow for a thorough exploration of stakeholders' input towards the case through traditional means.

The inhibited dialogue continues in the traditional setting during court hearings and trials by way of the procedural processes the parties are required to adhere to. For example, while victims may want to articulate specific facts during testimony, emotions and other pertinent information that would seem relevant to the ordinary layperson are prohibited under certain legal situations. Furthermore, victims, witnesses, and in cases where a defendant may take the stand, rich contextual information about the incident and how it affected the stakeholder may be nonexistent unless the representative counsel asks the question.

Likewise, through the traditional court processes, once a defendant is convicted of a crime, narratives may be further inhibited through legislative guidelines. One example would include the illegality of victims to refer to a proposed jail sentence (i.e., the death penalty in a murder case) during a victim impact statement (MD Code, Criminal Procedure, § 11-402). Such procedural rules stifle the ability of the stakeholder to freely communicate a message in the traditional justice process, leaving essential pieces of conversations unsaid between parties. The possibility of a nontraditional interaction between the stakeholders in a case intrigued the participants of this study. The participants demonstrated their need for a freer process in which the affected parties could speak freely and better communicate through the RJ process to bring the incident to a more amicable conclusion.

The participants who invoked the mindset to apologize to the victim indicated the need for a nonrestrictive process that enables unregimented conversation between the stakeholders. During this study, the participants' honesty and tonality of their requests to

apologize to the victims of their crime evidenced a sincerity that would not appear as genuine in a traditional setting. These participants were passionate about the prospects of conversing with the victim of their offense in a more personal setting where they could better understand the impact of their crime and apologize for their actions.

Apathy Towards the Victim

Where the first five derived motivations were positive, the sixth motivation—apathy towards the victim—was considered a negative motivation. The data identified apathy among two drug offenders and a participant convicted of tax evasion. The type of victim in an offense proved to be instrumental in the interpretation of this data. Drug offenses are commonly regarded as a victimless crime, including offenses where the offender is charged and convicted for distribution of narcotics. The dealer wants to make money, and the user wants to become intoxicated by the effects of the drug. In the instance of the tax evasion participant, the IRS was considered the victim in the case, and the participant demonstrated a dislike for the entity, expressing how difficult it was through the traditional court system to interact with the victim to bring a resolution to the case. Therefore, with regards to the nonviolent offenses, apathetic attitudes towards the victims resonated from the ideology that the crime did not have a victim in the traditional sense. There was no specific person(s) harmed or experienced a loss of property because of a criminal offense. However, with regards to violent offenders, apathy takes on a thought-provoking light.

The literature reflects the dichotomy when determining whether to utilize RJ processes in crimes of violence. One viewpoint suggests RJ should not be employed with

any crimes of violence while the other suggests RJ processes should be used with violent crimes but engaged under regulations that inhibit the offender from manipulating or re-victimizing the victim in the case. The researcher noted in this study that apathy towards the victim did surface with two of the five violent ex-offenders. Both participants were convicted of sexual assaults, and both expressed disdain for their victims. It is commonly known in law enforcement that sexual assaults are usually committed against women and that the purpose of the attack is not sexual, but an issue of power where the male dominates over the female and utilized sex as the weapon of choice. Therefore, sex offenders typically have little regard for their victims. The study reinforced that fact as it pertained to the resentment held by the two sex offenders over their victims as noted through the data analysis.

Demographic Findings

The quantitative data outlined gender, age, race, childhood family structure, siblings, number of siblings, current family structure, education level, religious affiliation, the frequency of religious activity, type of crime and frequency of offending as measurable demographic variables. Apart from the sibling's variable, the study found no influential correlation between participants' demographics and the identified motivations. However, when examining the relationship between siblings and Motive 3 (explanation of actions), there was a correlative relationship between these two variables. Considering that most of the participants identified as being from a family structure which had siblings, this identification is significant.

Family structures come in a variety of forms, and a questionnaire encapsulated these forms provided to participants at the end of their semistructured interview. With the survey accounting for childhood family structure, siblings, number of siblings, and the current family structure it is of interest that through the MANOVA analysis the siblings and Motive 3 correlation emerged without these specific family structure variables intertwining. The only significant fact that arose was whether the participant had siblings. Whether the siblings were biological or step-siblings were irrelevant. The former or current family structures were also unrelated. The only fact was whether the participant had siblings.

Regardless of a family structure, the presence of siblings poses the likely potential for interactions between the siblings, inclusive of conflicts. Through the process of resolving disputes between siblings sometimes the parents are involved and other times not, where the siblings make resolution on their own accord. Either way, siblings tend to want to explain their actions to one another through the resolutive process. This familial trait may carry over into their adult life with victims of their crime.

Limitations of the Study

Concerning the limitations of this study, there were several prominent facets. Initially, the methodological design of this study called for the use of 10 participants for data. Though the study had 12 ex-offenders participate, this proved to be insufficient and certain statistical junctures when conducting a MANOVA analysis through SPSS. Overall, the system did not have enough data points and the necessary levels to make the required computations for a comprehensive report. With 12 participants and the

demographic survey containing multiples levels for the IVs, it proved unfeasible that the 12 participants would be so diversified that they would associate across the levels equitably to bring about a rigorous analysis. For instance, as noted in Chapter 4, all 12 participants identified as currently associated with the Christian religion. The universal trait, therefore, did not generate the multilevels of religion needed to complete the MANOVA analysis and yielded no results.

To the limitation that all the participants currently identified association with the Christian religion, geographical locale and the populace that comprise the region may have generated this limitation. All the ex-offender participants were residents of the state of West Virginia. Given its location in the Appalachian mountain range and rural setting, West Virginia is also geographically located at the northern portion of the Bible Belt, a region of the country known for a higher populace of Christian believers per capita than other areas.

Religions are commonly known for imposing behavioral requirements upon its believers. For instance, in the Christian faith, forgiveness is a component of the belief system, and believers are urged to extend forgiveness to be forgiven (Matthew 6:14-15, New American Standard Bible). Given the scope of this study, it could not be determined if the identified motivations were an outcome of the participants' current religious beliefs.

Finally, and somewhat in conjunction with the limitation of religious beliefs, none of the participants were no longer under the authority of the criminal justice system, removing any jeopardy to their criminal case. This significance bears in mind the practice

of RJ and how it is employed either as a court diversion or a process after a traditional court adjudication with defendants who are active in the criminal justice system. The ex-offender participants who contributed in this study were under no compulsion to resolve a criminal act and may have drawn their information from a viewpoint only generated after experiencing closure in their criminal case.

Recommendations

Through this mixed-method analysis, a plethora of information was generated through the qualitative segment where motivations identified. While only the most prominent were identified and ranked from the limited number of participants involved, a further qualitative exploration into the ranked motivations and nonmentioned motivations warrant further investigation. In expanding the populace to not only include more participants but to also reach out into other geographical regions would further examine the derived motives. The study can be easily replicated in other areas and evaluated to determine if the derived motivations are similar between ex-offenders. A factor that should be studied is whether different areas of the United States or among different countries yield similar or differing results that are influenced by the region and its culture and society. By involving different areas in a similar study would incorporate depth and breadth to the defined participant demographics and would expand the researcher to include multiple levels of the demographics (i.e., religion) to expand further the body of information developed from this study.

More importantly, research of these motivations needs to bridge the gap between ex-offenders' and current offenders' motivations to compare the data. As noted, the ex-

offender participants involved in this study were not subjected to the jeopardy of an active criminal case where RJ processes often reside. Conveying this methodological study structure into a prison or jail would further enrich the data and better hone the motivational data and potential demographic influences with current offenders.

Though this study was structured as a mixed-method analysis to identify potential motivations and examine their relationship with the participants' traits, future studies do not need to follow the same structure, per se. Specifically for the regional area of West Virginia, further analysis of this subject matter may involve a survey identifying the established motivations on a Likert scale and request a level of importance and demographical information from incarcerated participants. Increasing the number of participants exponentially and analyzing the data through a MANOVA analysis would enable researchers to further understand the motives and any potential relationships to the participants' demographics.

Implications

Restorative Justice Implications

Sherman and Strang (2007) articulated how RJ concepts were more impactful among violent offenders than the nonviolent. This study corroborates their findings and further suggests motivations RJ practitioners need to consider when preparing for and implementing an RJ process. Zehr (2002) expressed how RJ needs to be an equitable process for all stakeholders involved, including the offender. Having identified the six motivations through the qualitative analysis, RJ practitioners tasked with conducting RJ praxis now have a better understanding of what brings an offender to the table for the

process. The derived information further defines considerations and boundaries for RJ practitioners as they prepare for the RJ process.

The foremost motivations that influence whether an offender included (a) concern for their reputation, (b) understanding the impact of their crime, (c) explanation of actions, (d) making the victim whole, (e) apologizing to the victim, and (f) apathy towards the victim, in overall order of importance, respectively. In identifying, understanding, and categorically approaching each of these motivations, RJ practitioners consider each when preparing an RJ consultation with stakeholders. Positive and negative motives of ex-offenders may potentially be a reflection of motivations for current offenders and considered in criminal cases where RJ processes are an option.

The researcher identified distinction with the ranking of importance for these motivations based on the type of crime committed by the ex-offender. Where nonviolent offenders found making the victim whole more important than violent offenders, this difference suggests that nonviolent offenders are more apt to offer and make amends to their victim due to the economic differences in harms between nonviolent and violent offenders. Property crimes, though costly, do not necessarily produce the monetary damages that crimes of violence do, particularly regarding medical expenses incurred from injuries suffered in a violent act. Given this variance, nonviolent offenders appear more readily available to make amends whereas violent offenders may perceive their damages insurmountable.

Moreover, with the quantitative segment of this study reflecting no other significance between the participant's demographics and the derived motivations, the

motives can be uniformly applied to case preparation regardless of the diversity of offenders. For RJ practitioners, they dedicate a great deal of time to the development of an RJ process. In understanding what motivates offenders to participate in an RJ process and how they rank them allows the RJ practitioner to better prepare for the scheduled process and to ensure an equitable interaction of all the stakeholders.

Impact for Social Change

As the literature review demonstrated, restorative justice processes originally stem from indigenous cultures out of necessity to adequately address wrongdoing in the given culture. With modern RJ praxis emerging in other Western cultures and now becoming more prominent in the American judiciary system it has not equitably engaged all the stakeholders as recent studies reflect victim motivations for participating in RJ praxis but do not explore motivations of other stakeholders. With this study identifying the motivations of offenders in relationship to RJ praxis, the boundaries concerning this information were broadened for RJ practitioners, enabling them to better facilitate RJ praxis with the offender's motivations in mind.

Currently, the American correctional system takes on a one size fits all dimension with a varied population of convicted offenders and fails to consider the variations in each criminal case. The courts often sentence convicted offenders are to variations of jail time accompanied by implementation of available programs available to the offender. The criminal justice system regulates the structure as a whole with procedures that inhibit the two involved parties (victims and offenders) from the unrestricted dialogue. RJ breaks

those barriers and enables stakeholders to engage in genuine conversation about the offense and provide input to a mutual resolution.

In identifying these motivations among ex-offender's RJ praxis is enriched and further promotes RJ within the criminal justice system. While there is a great deal of dialogue among RJ researchers concerning the pros and cons against using RJ in cases of violence, RJ is facilitated at a variety of stages within the criminal justice system. RJ can be employed at the preliminary stages of a case as a diversion from the court, or it can be implemented after the offender has been subjected to the traditional litigation of a criminal case and utilized during the service of a jail sentence. Considering that RJ processes reduce recidivism among violent and nonviolent offenders (Sherman & Strang, 2007), it can be utilized at a variety of stages within the criminal justice system, helping to reduce recidivism amongst offenders of all types.

In successfully implementing RJ in a criminal justice system, other benefactors can witness the advantages and utilize RJ praxis in other environs to include educational and business settings. Through this expanding of RJ, society can experience a better justice with wrongdoings and move society from an attitude or retribution to restoration. Consequently, the benefits of RJ as prescribed by Sherman and Strang (2007) resonate within a variety of cultures and communities.

Methodological, Theoretical, and Empirical Implications

This mixed-method study proved to illuminate implications with the selected methodology and theoretical framework as it relates to RJ and processes employed in this form of justice. The mixed-methodological approach proved to be beneficial as the

primarily qualitative and incorporated quantitative questionnaire (QUAL + quan) opened

the door of opportunity for ex-offenders to identify motivations for consideration when

participating in an RJ process uninhibitedly. Though qualitative studies are the

predominant method employed for research of RJ, incorporating the quantitative segment

into the research provided a more empirical setting to analyze data. This analytical

approach also demonstrated how a quantitative portion could be augmented into the

analysis of RJ and provide empirical statistical data relevant to the studied application.

The quantitative aspect of this study generated sound empirical data that is not subjective

as its counterpart and further assisted in demonstrating the trustworthiness of the derived

information as triangulation made itself known. Methodologically speaking, the mixed-

methods approached enriched the study and furthered the intelligence beyond mere

motivations.

     In the proposal for this research, I identified two theoretical approaches to be

employed in this study: SCF and the NPF. The SCF identifies underlying influences

concerning social issues with offenders (Schneider et al., 2014). While the NPF proffers

recommendations for policies (McBeth et al., 2014). However, coupled together, they

prove to bring a unique blend in discerning underlying issues and policies to rectify the

identified issues.

     As previously noted in the proposal the SCF centers on the underprivileged

members of society—in this instance offenders—and seeks to develop policies the

influence cultural institutions (Sabatier & Weible, 2014). Structuralist and

poststructuralism divided into micro, mesa, and macro levels comprise the NPF (McBeth

et al., 2014). Where the micro and mesa levels have only had a handful of research, research at the macro level is almost nonexistent (McBeth et al., 2014). The researcher indicated in the proposal that analysis would undoubtedly occur at the micro and mesa levels of this study. The micro levels of this study encapsulated the varying demographics of the assorted participants as compared to the identified motivations, while the mesa level focused on the types of offenders (nonviolent and violent). It was suggested in the proposal that a macro level of the NPF may evidence itself. With nonviolent and violent offenders alike commentating on thematic issues that cultivated the derived motivations uniformly in a strikingly similar ranked fashion, the researcher would suggest that a macro level of the NPF evidenced itself during this research. Nonviolent and violent offenders articulated specific motivations at such specific frequencies that regardless of the type of offender the motives could be similarly ranked. The identification of motivations and the similar ranking of them speaks towards the policies that develope under the SCF theoretical framework.

With identified motivations ranked with such specificity, we evaluate the SCF and how historical correctional policies can be changed to implement newer procedures that do not impose on offenders who are powerless. Having derived motivations where triangulation suggests the ability for universal application with deviants under the NPF, recommendations can be forwarded to RJ practitioners for employing into RJ processes and empowering offenders to reintegrate back into their communities as productive and acceptable members of society.

Empirically speaking, the methodological approach utilized in this research further fortifies the qualitative approach usually employed in RJ research while applying quantitative research methods to reinforce the significant data. Where nonviolent and violent participants identified the same motivations from a qualitative perspective, the quantitative approach further solidified the analysis as significance did not present itself but with the one exception of siblings and the need to provide an explanation of their offense. Even so, both nonviolent and violent offenders alike who had siblings exhibited this motivational trait. As a result of the derived empirical data, resounding theoretical framework, and evinced methodological approach the study takes on a wholesome finding of the identified motivations among offenders from a diverse background.

Recommendations for Practice

As the literature suggests, RJ is a burgeoning process of justice in the United States judiciary system. It has yet to establish a firm foothold within the existing judiciary system, and its policies are yet pliable with how to implement and facilitate it during an RJ process. The literature further identifies how recent studies have focused on the motivations of victim stakeholders within the process but have yet to examine motivations amongst other stakeholders, including offenders. With these considerations in mind, several recommendations can are recommended to the RJ community with regards to considering the findings of this study when preparing for an RJ intercession.

The study established that five positive motivations were predominant with the nonviolent and violent ex-offender participants alike: (a) concern for reputation, (b) impact of crime, (c) explanation of actions, (d) making the victim whole, and (e)

apologizing to the victim. RJ practitioners should be mindful of these motivations and their ranking by the participants concerning their relevancy towards individual cases. Though the participants' frequencies of communications consistently ranked the motives, violent ex-offenders identified Motive 5 apologizing to the victim as more important than Motive 4 making the victim whole. During the preparatory stage of any RJ process, facilitators should recognize the order of importance in correlation with the type of crime and plan their RJ meeting with the respective stakeholders in such a manner as to prepare the victim of the anticipated course of discussion expected from the offender.

Of the utmost importance for RJ practitioners is to understand that these motivations were universal among the ex-offender participants and expected from offenders regardless of their unique demographics or type of crime (nonviolent or violent). RJ practitioners can hope that offenders recognize the limitations of carrying out intimate conversation with the victim of their offense in a traditional court process and their desire to converse about their crime to address and correct their wrongdoing. What did not become highly apparent in this study was a desire by the offenders to justify or seek pardon for their criminal actions. In many instances, the ex-offenders participants wanted to convey their point of view to the victim, mainly when explaining their actions. Though these sentiments were universal among the participants, there were some instances of specificity that should be brought to the RJ practitioners' attention.

RJ practitioners engaging in RJ praxis where the offender is still addicted to illicit drugs that fueled their criminal activity should not involve the offender in an RJ praxis. A resounding concern arose from the participants who were addicted to illicit drugs at the

time of their crimes that they did not care about the victims or the effects their offense had on them or society. Their primary concern during this time of their lives was where they were getting the money for their next high. These participants—who were not currently addicted to their drug of choice—expressed that at the time of their crime they had no desire to meet the victim and encouraged the researcher to delay such a meeting until the offender was no longer under the compulsion of their drug of choice. With these participants sober and cognitive at the time of their interview, they further expressed how facilitating an RJ process could still occur, but only after the offender was no longer under the influence of the intoxicating effects of illicit drugs.

Another area of concern that arose out of this study concerned the involvement of sex offenders meeting their victim in an RJ process. The literature review reflected how the employment of RJ in crimes of violence is a highly debated issue. The literature demonstrated how RJ processes utilized in crimes of violence have the potential for enabling the offender to manipulate or revictimize the victim if the process is completed as a court diversion or before a traditional court proceeding. The literature further expressed how RJ Practitioners could avoid manipulation and revictimization by employing an RJ process after the case is prosecuted in a traditional court proceeding, and the offender received their sentence. Minimally this offered the opportunity for the victim's voice to be heard.

This study made a small revelation with the two sex-offender participants in that one did not want to meet the victim at all while the other did, to make sure the victim was 'all right' and to learn more about what she was saying. The area of sex offenses and RJ

certainly warrant further studies in many capacities as the information acquired is woefully incomplete of a thorough and rigorous examination through established research practices. The superficial information derived from this study causes this researcher to give warning to the RJ practitioner who is facilitating RJ processes in cases involving sexual offenses. With one sexual ex-offender participant utterly apathetic towards the victim and the other sounding as if they were conjuring an opportunity to be with the victim again, RJ practitioners should adhere to existing practices and procedure for completing an in-depth case preparation for an RJ process that employs sound safeguards during the processes.

Another specific area of interest to RJ practitioners' concerns offenders with siblings. I identified significance with ex-offender participants who had siblings and their need to explain their crime (Motive 3). I proffered that offenders who have siblings may feel the need to explain their offense has had during their adolescent years when becoming involved in conflicts with their siblings. When conducting their case preparation for an RJ process, RJ practitioners should determine if the offender has or had siblings. This study demonstrated that the number of siblings was not significant towards this revelation. However, the mere fact of having siblings was significant to the need of explaining one's criminal actions. As RJ practitioners identify offenders who acknowledge they have siblings, they should prepare themselves and the other stakeholders how the offender will feel the need to explain they're criminal behavior. This is not to say that the offender will provide an excuse for the offense in which they

anticipate exoneration altogether. But, rather, the offender wants to convey to the victim their perspective and reasoning for committing the crime.

Conclusion

In conclusion, I set out to determine if motivational differences existed between violent and nonviolent ex-offenders, concerning their willingness to participate in RJ praxis. Through a mixed-methodological approach, five positive motivations (concern for reputation, the impact of crime, explanation of actions, making the victim whole, and apologizing to the victim) and one negative motivation (apathy towards the victim) were identified universally among nonviolent and violent ex-offenders alike. While the overall consensus from the participants ranked these motivations in a specific order, the analysis of the rankings revealed that violent offenders were more apt to make an apology before making the victim whole. Otherwise, regardless of the type of crime committed by the offender, the identified motivations were synonymous and held relatively true to the general ranking structured derived by the frequencies in which the participants proffered them.

This mixed-method study also incorporated a demographic questionnaire to determine whether the participants' demographics were influential on the derived motivations. Apart from participants who identified as having siblings, no demographical influences were identified in this study. This finding would suggest that the derived motivations can be considered universally by RJ practitioners with regards to offenders despite their culture or societal composition.

Two areas of concern did arise out of this study. First, drug offenders who are currently struggling with their drug addiction expressed no concern for the victim or their crime. However, through the ex-offender participants who committed crimes to support their illicit drug habit, it was suggested that RJ processes should only be employed in cases where the offender is no longer addicted. Through a sober mind, the offender can better interact and communicate with the victim in the case and explain why they committed their offense. Secondly, through the interaction with two sex-offenders in this study the researcher would recommend to RJ practitioners not to utilize RJ processes between sex offenders and their victims outside of rigorous protocols that ensure the safety of the victim and conduct an RJ process that is postlitigation in a traditional criminal justice proceeding.

Consequently, I determined that motivational factors exist with ex-offenders, identified the motivational factors, and ranked them in accordance of importance by the ex-offender. It was further demonstrated—except for having siblings—that the demographical makeup of an ex-offender was not influential on the identified motivations. Armed with this information, RJ practitioners now understand what motivates and prompts an offender to be willing to become involved in an RJ praxis. As a result of this study, RJ practitioners can better prepare to facilitate an RJ process by infusing this empirical information into their case preparation and can better direct the RJ process for the stakeholders involved. In the end, this research helps to add to the plethora of information concerning RJ and furthers another way forward in incorporating

RJ in the American judiciary system and hopefully reforming our broken criminal justice

system.

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Appendix: Semistructured Interview Questions

1. After committing your crime, if offered the opportunity, would you have agreed to meet with the victim to discuss the crime?
   a. Why or why not?
2. Would you have agreed to discuss with the victim the reasons why you committed the crime?
   a. Why or why not?
3. Would you have agreed to listen to the victim and how the crime affected them?
   a. Why or why not?
4. Would you have agreed to meet with the victim if you were permitted to have a support person with you during this meeting?
   a. Why or why not?
5. Would you have agreed to meet with members of the community and speak with them about how your crime affected them?
   a. Why or why not?
6. Would you have agreed to discuss options to make the victim whole?
   a. Why or why not?
7. Under the traditional criminal justice system, did you feel alienated from society during the criminal justice process?
   a. If yes, how?
8. Do you believe that meeting with the victim and the community, affected by your actions, would have been beneficial in your criminal cases?
   a. Why or why not?